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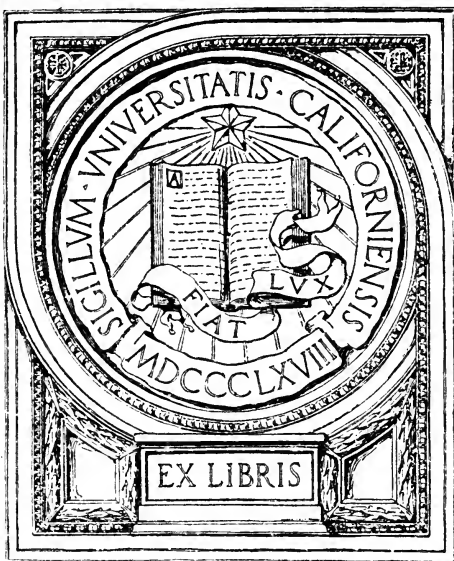
1911

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State of Louisiana



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SEVENTH COMPILATION

Public School Laws

OF LOUISIANA

Rules and Regulations of the State Board
of Education

Sanitary Regulations of the State Board
of Health

AND THE



Important Decisions of the Supreme Court
of Louisiana, Relating to Schools

PREPARED UNDER THE DIRECTION OF

T. H. HARRIS, State Superintendent of Education.

BY

L. J. ALLEMAN.

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SEVENTH COMPILATION

(Containing All Laws, Regulations, etc., Now in Force.)

PREPARED UNDER THE DIRECTION OF
STATE SUPERINTENDENT T. H. HARRIS.

BY

L. J. ALLEMAN, State Institute Conductor.

1911

STATE BOARD OF EDUCATION

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HON. S. T. WOODRING	Lake Charles
MR. L. BAKER, <i>Assistant Secretary</i>	Baton Rouge

TO THE
ASSOCIATION

STATE CONSTITUTION OF 1898.

ARTICLES HAVING REFERENCE TO PUBLIC EDUCATION.

1. (Art. 53. Limitation of Legislative Powers.)

No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship; nor shall any appropriations be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the State Asylum for the Insane and State Institution for the Deaf and Dumb and State Institution for the Instruction of the Blind, and the charity hospitals and public charitable institutions conducted under State authority.

2. (Art. 230. Educational Institutions Exempt From Taxation.)

The following shall be exempt from taxation, and no other, viz: All public property, places of religious worship, or burial, all charitable institutions, all buildings and property used exclusively for public monuments or historical collections, colleges and other school purposes, the real and personal estate of any library, and that of any other library association used by or connected with such library, all books and philosophical apparatus, and all paintings and statuary of any company or association kept in a public hall; provided, the property so exempted be not leased for purposes of private or corporate profit and income. * * * * *

3. (Art. 231. Poll Tax of One Dollar.)

The General Assembly shall levy an annual poll tax of one dollar upon every male inhabitant in the State between the ages of twenty-one and sixty years, for the maintenance of the public schools in the parishes where collected.

4. (Art. 232. School Tax on a Vote of Property Taxpayers.)

The State tax on property for all purposes whatever, including expenses of government, schools, levees and interest, shall not exceed in any one year, six mills on the dollar of its assessed valuation, and, except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of valuation; provided, that for giving additional support to public schools, and for the purpose of erecting and constructing public buildings, public schoolhouses, bridges, wharves, levees, sewerage work and other works of permanent public improvement, the title to which shall be in the public, any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purposes for which the tax is intended, shall have been submitted to a vote of the property taxpayers of each parish, ward or school district entitled to vote under the election laws of the State, and a majority of the same in numbers and in value voting at such election shall have voted therefor.

5. (Art. 248. Free Schools; for Whom; Apportionment of Funds.)

There shall be free public schools for the white and colored races, separately established by the General Assembly, throughout the State, for the education of all the children of the State between the ages of six and eighteen years; provided, that where kindergarten schools exist, children between the ages of four and six may be admitted into said schools. All funds raised by the State for the support of public schools, except the poll tax, shall be distributed to each parish in proportion to the number of children therein between the ages of six and eighteen years. The General Assembly, at its next session, shall provide for the enumeration of educable children.

6. (Art. 249, as amended by Act 28 of 1908. State Superintendent.)

There shall be elected by the qualified electors of the State a Superintendent of Public Education, who shall hold his office for the term of four years, and until his successor is qualified. His duties shall be prescribed by law, and he shall receive an annual salary of five thousand dollars.

7. (Art. 250. State Board of Education; Parish Boards and Officers.)

The General Assembly shall provide for the creation of a State Board and Parish Boards of Public Education. The Parish Boards shall elect a Parish Superintendent of Public Education for their respective parishes, whose qualifications shall be fixed by the Legislature, and who shall be ex-officio secretary of the Parish Board. The salary of the Parish Superintendent shall be provided for by the General Assembly, to be paid out of the public school funds accruing to the respective parishes.

8. (Art. 251. French May Be Taught.)

The general exercises in the public schools shall be conducted in the English language; provided, that the French language may be taught in those parishes or localities where the French language predominates, if no additional expense is incurred thereby.

9. (Art. 252. Application of the Poll Tax.)

The funds derived from the collection of the poll tax shall be applied exclusively to the maintenance of the public schools as organized under this Constitution, and shall be applied exclusively to the support of the public schools in the parish in which the same shall be collected, and shall be accounted for and paid by the collecting officer directly to the treasurer of the local school board.

10. (Art. 253. Private and Sectarian Schools Cannot Receive Public School Funds.)

No funds raised for the support of the public schools of the State shall be appropriated to or used for the support of any private or sectarian schools.

11. (Art. 254. School Funds—Of What They Shall Consist.)

The school funds of the State shall consist of: 1st. Not less than one and one-quarter mills of the six mills tax levied and collected by the State. 2d. The proceeds of taxation for school purposes as provided by this Constitution. 3d. The interest on the proceeds of all public lands heretofore granted or to be granted by the United States for the support of the public schools, and the revenues derived from such lands as may remain unsold. 4th. All funds and property, other than unimproved lands, bequeathed or granted to the State, not designated for any other purpose. 5th. The proceeds of vacant estates falling

under the law to the State of Louisiana. 6th. The legislature may appropriate to the same fund the proceeds of public lands not designated or set apart for any other purpose, and shall provide that every parish may levy a tax for the public schools therein, which shall not exceed the entire State tax; provided, that with such a tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by this Constitution. The City of New Orleans shall make such appropriations for the support, maintenance and repair of the public schools of said city as it may deem proper, but not less than eight-tenths of one mill for one year; and said schools shall continue to receive from the Board of Liquidation of the City Debt, the amounts to which they are now entitled under the Constitutional amendment, adopted in the year 1892.

12. (Art. 255. State University and A. & M. College, Tulane University.)

The Louisiana State University and Agricultural and Mechanical College, founded upon land grants of the United States to endow a seminary of learning and a college for the benefit of agriculture and mechanic arts, now established and located in the City of Baton Rouge, is hereby recognized; and all revenues derived and to be derived from the seminary fund, the Agricultural and Mechanical College fund, and other funds or lands donated to or to be donated by the United States to the State of Louisiana for the use of a seminary of learning or of a college for the benefit of agriculture or the mechanic arts, shall be appropriated exclusively to the maintenance and support of the said Louisiana State University and Agricultural and Mechanical College; and the General Assembly shall make such additional appropriations as may be necessary for its maintenance, support, and improvement, and for the establishment, in connection with said institution, of such additional scientific or literary departments as the public necessities and the wellbeing of the people of Louisiana may require.

The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created, and to be developed in accordance with the provisions of the legislative act No. 43, approved July 5th, 1884, and by approval of the electors, made part of the Constitution of the State.

13. (Art. 256. Other State Schools.)

The Louisiana State Normal School, established and located

at Natchitoches; the Industrial Institute and College of Louisiana, whose name is hereby changed to the Louisiana Industrial Institute, established and located at Ruston; and the Southern University, now established in the City of New Orleans, for the education of persons of color, are hereby recognized; and the General Assembly is directed to make such appropriations from time to time as may be necessary for the maintenance, support and improvement of these institutions; provided, that the appropriation for the maintenance and support of the Southern University shall not exceed ten thousand dollars per annum.

14. (Art. 257. Interest Due the Townships.)

The debt due by the State to the free school fund is hereby declared to be the sum of one million, one hundred and thirty thousand, eight hundred and sixty-seven dollars and fifty-one cents in principal, and shall be kept on the books of the Auditor and Treasurer to the credit of the several townships entitled to the same; the said principal being the proceeds of the sales of lands heretofore granted by the United States for the use and support of free public schools which amount shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of four per cent, and said interest shall be paid to the several townships of the State entitled to the same, in accordance with the Act of Congress, No. 68, approved February 15th, 1843.

15. (Art. 258. Debt Due Seminary Fund.)

The debt due by the State to the seminary fund is hereby declared to be one hundred and thirty-six thousand dollars, being the proceeds of the sale of lands heretofore granted by the United States to this State for the use of a seminary of learning, and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of four per cent on said amount.

16. (Art. 259. Debt Due A. and M. College.)

The debt due by the State to the Agricultural and Mechanical College fund is hereby declared to be the sum of one hundred and eighty-two thousand three hundred and thirteen dollars and three cents, being the proceeds of the sale of lands and

land scrip heretofore granted by the United States to this State for the use of a college for the benefit of agricultural and mechanical arts; the said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of five per cent on said amount.

17. (Art. 260. How Interest Shall Be Paid.)

The interest due on the free school fund, the seminary fund and the Agricultural and Mechanical College fund, shall be paid out of any tax that may be levied and collected for the payment of the interest on the State debt.

18. (Art. 261. School Books for Indigent Pupils.)

All pupils in the primary grades in the public schools throughout the Parish of Orleans, unable to provide themselves with the requisite books, an affidavit to that effect having been made by one of the parents of such pupils, or if such parents be dead, shall be furnished with the necessary books, free of expense, to be paid out of the school fund of said parish; and the School Board of the Parish of Orleans is hereby directed to appropriate annually not less than two thousand dollars for the purpose named, provided such amount be needed.

19. (Art. 60. Establishment of Additional Educational or Charitable Institutions.)

No educational or charitable institution, other than the State institutions now existing, or expressly provided for in this Constitution, shall be established by the State except upon a vote of two-thirds of the members elected to each House of the General Assembly.

20. (Art. 210. Eligibility to Office.)

No person shall be eligible to any office, State, judicial, parochial, municipal or ward, who is not a citizen of this State, and a duly qualified elector of the State, judicial district, parish, municipality or ward, wherein the functions of said office are to be performed. And whenever any officer, State, judicial, parochial, municipal or ward, may change his residence from this State, or from the district, the same shall thereby be vacated, any declaration of retention of domicile to the contrary notwithstanding.

**20-a. (Art. 232. Limitation of State Tax; Of Other Taxing Bodies;
When and How Special Taxes May Be Levied.)**

The State tax on property for all purposes whatever, including expenses of government, schools, levees and interest, shall not exceed, in any one year, six mills on the dollar of its assessed valuation, and, except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of valuation; provided, that for giving additional support to public schools, and for the purpose of erecting and constructing public buildings, public schoolhouses, bridges, wharves, levees, sewerage work and other works of permanent public improvement, the title to which shall be in the public, any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purpose or purposes for which the tax is intended, shall have been submitted to a vote of the property taxpayers of such parish, municipality, ward or school district entitled to vote under the election laws of the State, and a majority of the same in numbers, and in value voting at such election shall have voted therefor.

21. (Art. 235. Inheritance Tax for Public Schools.)

The Legislature shall have power to levy, solely for the support of the public schools, a tax upon all inheritances, legacies and donations; provided, no direct inheritance, or donation, to any ascendant or descendant, below ten thousand dollars in amount or value shall be so taxed; provided, further, that no such tax shall exceed three per cent for direct inheritances and donations to ascendants or descendants, and ten per cent for collateral inheritances, and donations to collaterals or strangers; provided, bequests to educational, religious or charitable institutions shall be exempt from this tax.

22. (Art. 236.)

The tax provided for in the preceding article shall not be enforced when the property donated or inherited shall have borne its just proportion of taxes prior to the time of such donation or inheritance.

22-a. (Art. 281, as amended by Act 197 of 1910. School Bonds and Special Taxes.)

Municipal Corporations, parishes or school, drainage, sub-drainage, road, navigation, or sewerage districts, the City of New Orleans excepted, hereinafter referred to as subdivisions, when authorized to do so, by a vote of a majority in number and amount of the property taxpayers, qualified to vote under the Constitution and laws of this State, who vote at an election held for that purpose, after due notice of said election has been published for thirty (30) days in the official journal of the municipal corporation or parishes, and where there is no official journal, in a newspaper published therein, may "through their respective governing authorities," incur debt and issue negotiable bonds therefor, and each year while any bonds issued to evidence said indebtedness are outstanding, the governing authorities of such subdivision shall levy and collect annually, in excess of all other taxes, a tax sufficient to pay the interest, annually or semi-annually, and the principal falling due each year, or such amount as may be required for any sinking fund provided for the payment of said bonds at maturity; provided, that such special taxes, for all purposes, shall not in any year exceed ten (10) mills on the dollar of the assessed valuation of the property in such subdivisions.

No bonds shall be issued for any other purpose than that stated in the submission of the proposition to the taxpayer, and published for thirty (30) days as aforesaid, or for a greater amount than therein mentioned; nor shall such bonds be issued for any other purpose than for constructing, improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing or constructing systems of waterworks, sewerage, drainage, navigation, lights, public parks and buildings, together with all necessary equipments and furnishing, bridges and other works of public improvement, the title to which shall rest in the subdivision creating the debt, as the case may be; nor shall such bonds run for a longer period than forty years (40) from their date or bear a greater rate of interest than five per cent (5) per annum, or be sold for less than par. The total issue of bonds by any subdivision for all purposes shall never exceed ten per centum (10) of the assessed valuation of the property in such subdivisions.

Municipal councils shall have authority to create within their respective limits one or more sewerage districts; and nothing herein contained shall prevent drainage districts from being established under the laws of this State shall, in addition to the powers hereinabove granted, have the further power and authority to levy and assess annual contributions or acreage taxes on all lands situated in such districts, for the purpose of providing and maintaining drainage systems, not exceeding fifty (50) cents per acre for a period not exceeding forty (40) years, when authorized to do so by a majority in number and amount of the property taxpayers of said district, qualified to vote under the Constitution and laws of this State, who vote at an election held for that purpose and in the manner provided in the first part of this Article, and said drainage districts, through the Boards of Commissioners thereof, when authorized as hereinabove provided, "may incur debt and issue negotiable bonds therefor, payable in principal and interest out of and not to exceed in principal and interest, the aggregate amount to be raised by said annual contributions or acreage taxes during the period for which the same are levied. No such drainage bonds shall be issued for any other purpose than that for which said contributions or acreage taxes were voted or run for a longer period than forty (40) years from their date or bear a greater rate of interest than five (5) per cent per annum or be sold for less than par.

When the character of any land is such that it must be levied and pumped in order to be drained and reclaimed, the Board of Drainage Commissioners of the district in which the land is situated, shall, upon the petition of not less than a majority in acreage of the property taxpayers, resident and non-resident, in the area to be affected, ascertain the cost of drainage and reclaiming said land and incur debt against said land for an amount sufficient to drain and reclaim it, and issue for said debt negotiable bonds running not longer than forty (40) years from their date and bearing interest at a rate not exceeding five (5) per centum per annum, payable annually or semi-annually, which bonds shall not be sold for less than par; and said Board of Drainage Commissioners shall levy annually upon said land forced contributions or acreage taxes in an amount sufficient to maintain the drainage of said land and to

pay the interest, annually or semi-annually, and the principal falling due each year, or such amount as may be required for any sinking fund provided for the payment of said bonds at maturity; provided, that such forced contribution or acreage taxes, for all purposes shall never exceed Three Dollars and Fifty Cents (\$3.50) per acre per annum.

The police juries of the various parishes throughout the State, for the purpose of constructing highways and public buildings for the parish, and the governing authorities of municipal corporations, for the purpose of paving or improving streets or alleys, or for other municipal improvements, after making provision for the payments of all statutory and ordinary charges, may fund into bonds running for a period not exceeding ten (10) years, and bearing interest at a rate not exceeding five (5) per centum per annum, which bonds shall not be sold for less than par, the avails of the residue of the ten (10) mill tax authorized by Article 232 of the Constitution of Louisiana.”

22-b. (Three-Mill Tax for Support of Schools. Act 257 of 1910.)

The police juries of the several parishes and boards of trustees and municipal councils of incorporated cities and towns (the Parish of Orleans excepted) shall levy, collect and turn over to the parish school boards of their respective parishes for the support of the public schools of their respective parishes, cities or towns, the proceeds of at least three mills of the annual tax which they are empowered to levy on each dollar of the assessed valuation of the property thereof; provided that cities and towns that are not exempted by the terms of their charters from the payment of parish taxes and which are subjected to the similar burdens of taxation as are the parishes shall not pay this tax, as same is included in the taxes imposed by the parish in which the town is situated, “unless the parish boards of school directors of that parish certify that the needs of the schools can be met by a smaller levy of such taxes.”

ACTS OF THE GENERAL ASSEMBLY OF THE STATE
OF LOUISIANA RELATING TO PUBLIC EDUCATION.

23. (State Board of Education and General Provisions, S. 1, A. 214, '02.)

The Governor, Superintendent of Public Education and the Attorney General, together with seven citizens appointed by the Governor, one from each Congressional District of the State, shall be a body politic and corporate by the name and style of the Board of Education for the State of Louisiana, with authority to sue and defend suits in all matters relating to the public schools. The above specified seven citizens shall receive, as compensation for their services in attending the meetings of the board, their actual traveling expenses and *per diem* for the number of days that the board is in session, the same as members of the State Legislature, payable on their warrants, approved by the president and secretary of the board, out of the current school fund.

24. (Officers; Salaries; Time of Meeting; Publication of Minutes, S. 2, Act 167, '04.)

The Governor shall be ex-officio President, and the State Superintendent, Secretary. The State Superintendent shall be authorized to appoint an assistant secretary, whose salary shall not exceed twelve hundred dollars (\$1,200) a year, to be fixed by the Board, payable monthly on the warrant of the State Superintendent of Public Education. The Board shall meet on or before the first Monday in December of each year, and at other times when called by the State Superintendent of Public Education. The acts of the Board shall be attested by the signatures of the President and Secretary of the Board. All papers, documents, and records appertaining to the Board shall be filed by the Secretary in the office of the State Superintendent of Public Education. The State Superintendent may publish, if he sees fit, or at the request of the Board, the proceedings of the State Board of Education in the official journal of the State, or in an official pamphlet.

25. (May Require Reports of Parish Superintendents, S. 4, A. 214, '02.)

The State Board of Education may require reports to be made by the parish superintendent whenever the interest of the

common schools indicates the necessity of other reports than now required.

26. (Uniformity of Text-Books, S. 3, A. 214, '02, amended by A. 231, '08, amended by A. 39, '10.)

The Governor, by and with the consent of the Senate shall select and appoint seven educators of known character and ability in their profession, each of whom shall hold parish superintendent's eligibility certificates, a first grade teacher's certificate, or the equivalent, one to be selected from each of the seven Congressional Districts, who, together with the State Superintendent of Public Education, shall constitute the State Text-Book Committee.

26-b. (Compensation of Members.)

Sec. 2. The State Superintendent of Public Education shall be ex-officio chairman and shall serve on the committee without compensation, and the other members of said committee shall be paid the sum of five dollars (\$5) per diem during the time they are actually away from their homes on the business of said committee, and their actual traveling expenses in going to and from the place of meeting, upon warrants drawn by the State Superintendent of Education and approved by the Governor, provided that they shall not be paid for more than twenty days' service in any adoption. The term of office of the members of the said committee appointed by the Governor shall be six years. Five members of the said committee shall constitute a quorum for the transaction of business.

26-c. (To Determine Books Giving Satisfaction.)

Sec. 3. It shall be the duty of the said committee to examine the merits of new public school books as they come from the press and determine in every way whether the books that are in use in the public schools of the State are giving satisfaction.

26-d. (Qualification and Oath.)

Sec. 4. The members of the said committee shall qualify within thirty days after their appointment. Each member thereof shall take and subscribe to an oath to faithfully discharge all the duties devolving upon him as a member of said committee; that he is not interested, directly or indirectly in

any contract that may be made between the publisher or publishers of any text-book or text-books submitted for adoption; that he will examine carefully all books submitted for adoption, and will, to the best of his ability, make the wisest recommendations possible of any and all books to be used in the public schools of the State. At the first meeting of the said committee, they shall organize by selecting a secretary from among their number, and he shall not receive any additional compensation.

26-e. (Meetings; Reports.)

Sec. 5. The said committee shall meet in the office of the State Superintendent of Education on the second Monday in January of the year in which the adoption of text-books is to be made by the State Board of Education; that they shall sit as a committee to examine all text-books submitted, and in making such examination said committee shall take into consideration the adaptability of said books to the needs of the schools of the State, their size, mechanical qualities, such as binding, type, printing, paper, etc.; illustrative material, quality and arrangement of subject matter. Said committee shall compile and complete their report to the State Board of Education on or before the first Monday in March; said report shall be filed with the State Superintendent of Education who shall cause same to be given to the press of the State and a copy thereof to be forwarded to the Parish Boards of School Directors for the several Parishes. For the purpose of considering the report of said committee and the adoption of text-books for use in the public schools, the State Board of Education shall meet the second Monday in April of each year in which an adoption is made.

26-f. (Elementary Books; How and When Adopted.)

Sec. 6. The adoption of elementary text-books and high school books shall be made in periods of three years apart, and, for the purpose of carrying out this provision the first adoption of high school text-books shall be made in the year 1913 and the first adoption of elementary text-books shall be made in the year 1916. In order that this provision providing for the adoption of elementary text-books may be carried out, the Governor of the State is hereby authorized to extend the present contracts of elementary text-books for three years.

26-g. (Subjects; Classification.)

Sec. 7. Said committee in its final report to the State Board of Education shall be required to classify all books examined into three classes, designated in the order of merit by first, second, and third, as follows:

Elementary Text-Books: Spelling, Reading, including Primer; Language Books; Louisiana History; United States History; Arithmetic, Written and Mental; Geography; Physiology; Agriculture; Music; Writing; Drawing; Civics.

High School Text-Books: English, including spelling; English Grammar; English Classics; Composition and Rhetoric; English and American Literature; History, including United States History, Ancient, Mediæval and Modern, English and Industrial History; Civics and Economics; Mathematics, including Arithmetic, Written and Mental, Algebra, Plane and Solid Geometry; Trigonometry; Science, including Physiology, Physics, Chemistry, Botany, Zoology, and Agriculture; Music; Drawing; Commercial subjects, including Bookkeeping, Stenography, Typewriting, Business Law and Geography; Latin; First Year Latin, Cæsar, Cicero, Latin Grammar, and Latin Composition; French; Elementary Course; Grammar, Prose composition, Intermediate course and Advanced course; German; elementary course, Grammar, Prose composition, Intermediate Course and Advanced Course.

Said committee may also recommend for adoption library and reference books for use in the public schools and a series of books for optional supplementary use in all schools that may feel the need of more material than is contained in the regular text-books, but said library, reference and supplementary books shall not be used to the exclusion of the regular texts.

26-h. (Uniformity; Period of Adoption; Limitation as to Changes.)

Sec. 8. The State Board of Education shall adopt a uniform series of text-books for six years and shall be limited in such adoption to those recommended by the Text-Book Committee. Not more than three subjects or parts of subjects of the elementary grades and not more than two of the following high school subjects can be changed at any one adoption, to-wit: Algebra, English Grammar, Composition and Rhetoric, Botany, Zoology, Chemistry, Geometry, American History, Ancient His-

tory, Mediæval and Modern History, and of the remaining high school subjects not more than five can be changed at any one adoption, provided that any text-book used in the schools of this State may be changed at any time upon the written application of forty parish school boards, as per resolution of said boards duly certified to the State Board of Education; and all contracts for the adoption of text-books for use in the public schools shall cover a period of six years. The State Board of Education shall strictly enforce a uniformity of all text-books in all public schools during the term of such contract.

26-i. (Details Left to State Board.)

Sec. 9. The mode of procedure for the announcement of bids, awarding of contracts, location of depositories for the distribution of school text-books shall be left to the State Board of Education.

27. (State and Parish Boards Exempt From Furnishing Bonds in Suit, S. 4, A. 82, '73.)

In all judicial proceedings where, by law, bond and security are required from litigants, the State Board of Education shall be dispensed from furnishing bond or security; and in all suits in which the State or Parish board of education may be plaintiffs, defendants, intervenors, garnishees, or interested in any manner whatsoever, it shall be the duty of the court before whom such suits are pending, on the affidavit of the attorney representing the State or parish board of education, if the case is one of serious public interest and in which a speedy decision is desirable, to set the cause for trial by preference, and all such cases may also be fixed for trial as early as possible on motion or petition of the attorney of the State or parish board of education.

28. (Accepting and Regulating Donations, Act 158, '04.)

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That the Board of Education for the State of Louisiana; the Board of Directors of the public schools of each and every parish in the State, the Parish of Orelans included, shall have the power to accept and administer donations *mortis causa* or *inter vivos* for any educational or literary purpose whatsoever, and it shall be lawful for any one to make such a donation of any description of property, and to any amount to any one or more of such boards.

29. Sec. 2. Be it further enacted, etc., That the donor shall have the right to prescribe the manner in which the property shall be administered, and the objects to which it or any part thereof, or the revenues thereof, shall be applied; provided, however, that property donated, cannot be made inalienable, but the donor thereof shall have the right to prescribe in what manner, and under what circumstances, the donees shall be empowered to sell the same, or any portion thereof, or to change any investments once made.

30. Sec. 3. Be it further enacted, etc., That said Board or Boards shall administer the property entrusted to them in conformity with the directions contained in the act of donation, and shall have all the powers needed in such administration, but cannot mortgage nor encumber the donated property, except as may be prescribed in the act of donation. The said Board or Boards shall be entitled to no remuneration for their services, unless expressly granted in the act of donation.

31. Sec. 4. Be it further enacted, etc., That the provisions of the laws of this State, relative to substitutions *fidei commissa* and trusts shall not be deemed to apply or affect donations made for the purposes and in the manner provided in this act, and all laws or parts of laws conflicting with the provisions of this act be, and the same are hereby repealed insofar as regards the purposes of this act, but not otherwise.

32. (Reports of State and Parish Boards and Officers, S 1, A. 36, '94.)

In addition to the biennial reports now required by law from State and district boards, the State and district officers, or other persons receiving or disbursing State or district funds, said boards, officers and persons shall render, in writing, to the State Auditor, semi-annual itemized detailed reports, which in case of the report of a board or its representatives, shall be signed by the president and secretary of the board, showing the several sums received and from what source, and the several sums disbursed and for what purpose and to whom paid, the said reports to be made on or before the first days of June or December of each year; and in the event of the failure so to do on the part of any board or district officer or other person above named, the Auditor shall report the delinquency to the Governor within fifteen days after said failure, who shall be

authorized thereupon to remove from office the members of said board, or district officer or other person as for cause, unless it may be made to appear, to the satisfaction of the Governor, that said failure or delinquency occurred from unavoidable or excusable causes.

33. (Statements of Accounts by Officers, S. 2, A. 36, '94.)

All parish boards and parish officers having in charge the reception of, or disbursement of, public funds shall make semi-annual itemized, detailed accounts as required above to the clerk of court of the respective parishes, under the forms, conditions and penalties enumerated in Section 16 of this act.

34. (Penalties for Non-Compliance, S. 3, A. 36, '94.)

In case any salaried officer of the State failing to file with the Auditor of Public Accounts semi-annual itemized, detailed accounts, as provided in the sixteenth section of this act the Auditor shall, within fifteen days thereafter, furnish to the Treasurer of the State, a certificate to that effect and thereafter it shall be illegal for the Auditor to audit any warrant of said officer for salary, or the Treasurer to pay the same, until such time as the delinquent officer shall have complied with the foregoing provisions.

35-a. (Parish Board; Election of President. Act 49, '08, amending and re-enacting S. 8, A. 167, '04, amending and re-enacting SS. 2, 8, 9, 19, 35, 44, 47 and 73 of A. 214, '02.)

The Board of School Directors in each parish shall elect from among its number a president.

35-b. (Appointment of Parish Superintendent; Eligibility; Nominates Teachers.)

Each Board shall elect or appoint for a term of four years (see 35-f) a parish superintendent who shall be ex-officio secretary of the Board, and who shall nominate all teachers to be employed in the public schools of the parish. He shall be a man of high moral character, and a practical educator. Before any person may be eligible to appointment as parish superintendent he shall hold a certificate of eligibility issued by the State Board of Education which certificate shall be revocable by the State Board of Education if at any time the parish superintendent should be found incompetent, inefficient, or unworthy. When such certificate is revoked the office of parish superintendent by such act is declared vacant.

35-c. (Visiting Trustees May Be Appointed; Duties.)

Each parish board is authorized to appoint, at its discretion, auxiliary visiting trustees for each ward or school district, or school in the parish; such trustees shall make quarterly reports to the parish board of the actual condition of the schools, and shall make needful suggestions in all matters relating to the schools they have in charge as trustees.

35-d. (Duty of Parish Board.)

The Parish Board of Directors shall report to the State Board of Education all deficiencies in the schools, or neglect of duty on the part of teachers, superintendent, or other officer. The members of the Parish Board shall visit and examine the schools in the several school districts of the parish from time to time, and they shall meet and advise with the trustees when occasion requires, if auxiliary trustees be appointed by the Parish Board.

35-e. (Miscellaneous Duties, etc.)

Upon the recommendation of the superintendent the Parish Board shall determine the number of schools to be opened, the location of the schoolhouses, the number of teachers to be employed, and their salaries; and the School Board is entrusted with seeing that the provisions of the State school laws are complied with. Each Parish Board shall make such rules and by-laws for its own government, not inconsistent with the State school law, as it deems proper. The regular meeting of each Parish Board shall be held on the first Saturday of January, April, July, and October, and it may hold such special or adjourned meetings as the Board may determine or as occasion may require. Each Parish School Board shall exercise proper vigilance in securing for the schools of the parish all funds destined for the support of the schools, including the State funds apportioned thereto, the poll tax collectible, and all other funds. The secretary shall keep a record of all transactions and proceedings of the Board. The Parish School Board may receive land by purchase or donation for the purpose of erecting schoolhouses, provide for and secure the erection of the same, construct such outbuildings and enclosures as shall be conducive to the protection of property and upon the recommendation of the parish superintendent make repairs and provide the neces-

sary furniture, equipment, and apparatus. All contracts for improvements shall be awarded to the lowest responsible bidder, the Board reserving the right to reject any and all bids. The Parish Board shall have power to recover for any damages that may be done to the property in its charge. Upon the recommendation of the parish superintendent, the Parish Board may, by a two-thirds vote of the whole board, after due notice, change the location of the schoolhouse, sell or dispose of the old site, and use the proceeds thereof toward a new one.

35-f. (Parish Superintendent; When and How Elected; Term of Office, A. 117 of 1910.)

Section 1. The several parish school boards throughout the State shall, in July after their election in 1912, meet and elect or appoint a superintendent of public schools for their parish, which superintendent shall have the qualifications as provided by law and who shall hold his office for four years and until his successor shall have been elected or appointed and qualified.

Sec. 2. Be it further enacted, etc., That the several superintendents throughout the State now holding office shall hold their office until their successors shall have been appointed or elected as provided in Section One of this Act.

36. (Removal of Members School Board, S. 6, A. 214, '02.)

For incompetency, neglect of duty, or malfeasance in office, the Governor may remove a member or members of the parish boards of school directors, subject to the ratification of the State Board of Education. (See decision Supreme Court, 124 A.)

37. (Restrictions on Contracts and Debts, S. 73, A. 81, '88.)

That the different boards of directors shall not be empowered to make contracts or debts for any one year greater than the amount of revenue provided for according to this act, it being the intent thereof that parties contracting with said board shall take heed that due revenue shall have been provided to satisfy the claim, otherwise they may lose and forfeit the same, and no action or execution shall be allowed in aid thereof, and that the board shall not exceed their powers in incurring the debt.

38. (Election of Parish School Boards, S. 1, A. 60, '06.)

Be it enacted by the General Assembly of the State of Louisiana, That there shall be elected by the qualified voters of each police jury ward of the several parishes of the State a member of the Parish School Board for each police member in said ward, and in the Parish of Orleans the Parish School Board shall consist of seventeen members, being one from each ward in said parish, who shall be elected by the qualified voters of each ward. That the first election above provided for shall take place at the same time as the congressional election in 1908, and every four years thereafter. That such members of the Parish School Board as may be elected as above provided for shall hold their office for four years, when their successors shall be elected.

39. (Compensation of School Directors, S. 2, A. 60, '06.)

Be it further enacted, etc., That the compensation of said members of the school board is hereby fixed at three dollars for each day that he may be required to attend the meetings of the board, and five cents a mile for each mile he may travel to and from the meetings of said board. Provided, that in the Parish of Orleans no compensation at all shall be paid any member of said board.

40. (Extending Term of Old Board Until New Board Is Elected, S. 3, A. 60, '06.)

Be it further enacted, etc., That the Parish School Boards as now constituted shall hold their office until their successors shall have been elected as provided for in Section 1 of this act.

41. (Three Qualifications for Parish School Director, S. 4, A. 60, '06.)

Be it further enacted, etc., That the qualifications of a person to be a member of a school board under this act shall be that he be a qualified elector, able to read and write, and own and be assessed in his own name property to the value of three hundred dollars.

42. (Attorney of Parish Board, S. 10, A. 214, '02.)

The District Attorney of the district or any other attorney selected by the board, shall act as counsel for the parish board.

42-a. (District Attorneys Shall Advise and Represent School Boards in All Suits, Act 96 of 1880.)

Section 4. Be it further enacted, etc., That the several district attorneys in this State (the Parish of Orleans excepted)

shall advise the police juries and parish school boards upon due application made, and shall represent them in all suits.

Section 5. Be it further enacted, etc., That the district attorneys of this State (the Parish of Orleans excepted) shall receive a commission of five (5) per cent on all amounts they may collect in any suit in favor of the State, parish or school boards, and the commissions, as now allowed by law, for collections on forfeited bonds. (A. 96 of 1880.)

(The Attorney General on Compensation of District Attorney.)

“With reference to the question as to whether the district attorney of Lafayette can collect fifty dollars as a fee from the school board of said parish for defending a suit brought by Doctor Thomas P. Hopkins for the recovery of a certain piece of ground, I beg to say that I know of no law authorizing the district attorney to collect the said fee if the suit was only one testing the title to a piece of property.

For the law with reference to the district attorney’s fees, see Act 96 of 1880, Secs. 4 and 5; and Act 214 of 1902, Sec. 10.

If the district attorney obtained no money judgment against Doctor Hopkins, and did not collect any such money, there is no fee or commissions that he could charge in the case.

In an opinion given to Mr. Charles H. O’Rourke, Chief Inspector of Fertilizers, in 1905, Judge Guion said:

“ ‘District Attorneys are not allowed to charge the State *or any department* of the State government for services rendered in defending suits or in bringing suits, except in cases where the amounts are collected, in which event, they are entitled to five per cent of the amount so collected.’ ”

43. (Establishment of High and Graded Schools; Family Assessment Limited to \$1.50, S. 11, A. 214 of 1902, as amended by A. 272, 1910.)

The Parish School Boards, the Parish of Orleans excepted, shall have authority to establish graded schools, and to adopt such a system in that connection as may be necessary to assure their success. Central or high schools may be established when necessary, but no such school shall be established unless the amount be donated for the site, and suitable buildings are provided for without any expense out of the school fund. The School Board shall have authority to assess and collect fifty

cents per annum from the parent or guardian of each child enrolled in the public schools of a Parish or District, to be collected in such manner as the said Board shall determine; provided that no parent or guardian shall be required to pay more than one dollar and fifty cents. The amount thus collected shall be used in providing for the necessary fuel and other comforts of the schools.

44. (Duties President Parish Board, S. 24, A. 214, '02.)

The president of the parish board shall preside at all meetings of the board, call special meetings when necessary, advise with and assist the parish superintendent and directors in promoting the success of the schools, and generally do and perform all other acts and duties pertaining to his office as the president of the board. All deeds and contracts for the schools, including those with teachers shall be signed by him; the contracts with teachers shall also be signed by the parish superintendent. (See decision on president's contracts.)

45. (Contracts With Sectarian Schools Prohibited, S. 14, A. 214, '02.)

The parish boards of directors of the several parishes of this State are prohibited from entering into any contract, agreement, understanding, or combination, tacitly or expressly, directly or indirectly, with any church, monastic or other religious order or association of any religious sect or denomination whatsoever, or with the representatives thereof, for the purpose of running any public school or schools of this State, together or in connection or in combination with any private or parochial school, or other institution of learning which may be under the control, authority, supervision, administration or management of any church, monastic or other religious order or association of any religious sect or denomination whatsoever.

45-a. (School Boards Bodies Corporate, S. 7, A. 214, '02.)

The several boards are constituted bodies corporate, with power to sue and be sued under the name and style of the "Parish Board of Directors of the Parish of _____," as the case may be. Citations shall be served on the President of the Board.

46. (Division of Parish Into Districts; Records, S. 15, A. 214, '02.)

It shall be the duty of the parish board with the parish superintendent to divide the parish into school districts of such

proper and convenient area and shape as will best accommodate the children of the parish. The parish board shall as soon as practicable proceed to the work imposed upon them, and upon the completion of this work they shall make a report to the parish superintendent, which report shall contain the boundary and description of said district, designated by number. The parish superintendent shall record the same in a well-bound book kept by him for that purpose, which book shall be held by the parish superintendent, and be at all times open to inspection. Parish boards, if they deem it to the best interest of the schools, may divide the parish into districts without reference to the wards in the parish.

47. (School Districts in Two Adjoining Parishes; How Laid Off, S. 16, A. 214, '02.)

The parish superintendents of two adjoining parishes, where the division line intersects a neighborhood whose convenience requires it, may lay off a district composed of parts of both of the parishes. Such districts shall be reported by the superintendent, together with a census of the school children only as belonging to the parish in which the schoolhouse may be situated, and reports shall be made by the assessor and parish superintendent as though the district lay entirely in the parish.

48 (Option Which District School Children Shall Attend, S. 17, A. 214, '02.)

Where two school districts adjoin, it shall be lawful for the children in either of said districts to be taught in and at such schoolhouse as shall be most convenient to them; provided, that the tuition fee shall be paid to the district in which they are taught, and that no change be made without the consent of the school boards of the respective parishes.

49. (Enumeration of Educable Youth, S. 1, A. 129, '98.)

The assessors of all parishes of the State, including the Board of Assessors of the Parish of Orleans, shall make an enumeration of all educable children in the State before July 1st, 1899, and every four years thereafter.

50. (Assessor's Enumeration, S. 2, A. 129, '98, amended by Act 488, '08.)

It shall be the duty of Assessors and the Board of Assessors of the Parish of Orleans to make a correct enumeration by giv-

ing the name of the educable children, between the ages of six and eighteen years in the respective parishes and wards by race and sex.

This list of educable children shall be made in triplicate form and written in ink. One list shall be furnished to the Auditor of Public Accounts, one list to the State Board of Education, and one list to the Board of School Directors of the parish in which the enumeration is made. The said Assessors of the parishes shall also make a separate correct enumeration of the blind and deaf and dumb children between the ages of six and eighteen years in their respective parishes by wards, giving the name, race and sex of said children, and shall furnish to the State Board of Education one separate list of said blind children and one separate list of said deaf and dumb children.

It shall be the duty of the Assessors and the Board of Assessors of the Parish of Orleans to swear to the correctness of said lists before a competent officer, who shall attach a certificate thereof on each list before filing them.

51. (Assessor's Pay for Enumeration, S. 3, A. 129, '09.)

The Parish Board of School Directors shall pay the Assessors four cents for the enumeration of each educable child in their respective parishes on the approval of the work of enumeration by the State Board of Education, which shall be signified to the Parish Boards by the Secretary of State Board under seal. In the event the State Board of Education for any cause deems the enumeration made incorrect or improperly made out, it shall have the power and authority to order a new enumeration in the parishes where the inaccuracies are found, without extra compensation.

52. (Assessor's Blanks to Be Furnished by Auditor, S. 4, A. 129, '98.)

It shall be the duty of the Auditor of Public Accounts to furnish blank forms ruled to set forth the required names of the educable children by wards, with the race, sex and age of the children, to the Assessors and the Board of the Parish of Orleans.

53. (Penalty for Neglect, S. 5, A. 29, '98.)

In case of willful negligence and refusal to comply with the provisions of this act, the Governor shall have the power and authority to remove any assessor or member of the Board of Assessors from office for such refusal or negligence.

54. (Oath and Bond Required, Act 19 of 1878.)

Section 1. That all State, district and parochial officers of this State, whether elected or appointed, shall be required, within thirty days after the receipt of their commission, to take the oath of office prescribed by law, and give bond, where bond is required, and cause the same to be filed in the proper office in the manner required by law.

55. Sec. 2. That the failure of any officer to comply with the requirements of Section 1 of this act, within the limitations therein fixed, shall operate a vacancy of such office and the Governor shall proceed to fill said office by appointment, as in other cases of vacancy.

56. Sec. 3. That any officer of this State, whether State, district or parochial, who has heretofore been elected or appointed to office, and who has failed to take the oath required by law, and to give bond, where bond is required, in accordance with existing laws, within thirty days from the date of the promulgation of this act, and a failure to comply with these requirements within the limitation fixed, shall operate a vacation of such office, and the Governor shall fill the appointment, as in other cases of vacancy.

57. (Assessor's Fee for Assessing School Taxes, S. 1, A. 213, '08.)

The tax assessors of each parish of the State * * * * * shall receive as an annual compensation for his labors, services and duties four per cent (4 per cent) of the first fifty thousand dollars (\$50,000.00) aggregate amount of all State, parish and poll taxes assessed, and two per cent (2 per cent) on any excess over fifty thousand dollars (\$50,000.00); provided that nothing herein shall be so construed as to allow assessors more than two per cent on special school taxes, and for his services, duties or labors in assessing or extending on the rolls any and all levee taxes the sum of one hundred dollars (\$100), except where the parish for which the assessor is elected lies in more than one levee district, in which case he shall receive the sum of two per cent (2 per cent) on the aggregate amount of such taxes; provided no assessor shall receive less than four hundred dollars (\$400) in any parish for each annual assessment of State, parish, poll and all levee taxes. That the payment of this compensation shall be distributed between the State, parish, school boards, cities and towns and other taxing district or division in proportion to the amount received by each.

58. (Powers of the District Board in Expropriations, S. 1492, R. S.)

When land shall be required for the erection of a schoolhouse or for enlarging a schoolhouse lot, and the owner refuses to sell the same for a reasonable compensation, the District Board of School Directors shall have the power to select and possess such sites embracing space sufficiently extensive to answer the purpose of schoolhouse and ground.

59. (Expropriation of Property for Public Schools; For Schoolhouse Sites, Act 208 of 1906, amending and re-enacting Act 227 of 1902.)

Whenever the State or any political corporation of the same, created for the purpose of exercising any portion of the governmental powers, in the same, or the board of administrators or directors of any charity hospital, or any board of school directors thereof, or any corporation constituted under the laws of this State for the construction of railroads, plank roads, turnpike roads, or canals for navigation, or for the construction or operation of water works or sewerage to supply the public with water and sewerage, (or for the piping and marketing of natural gas for the purpose of supplying the public with natural gas), or for the purpose of transmitting intelligence by magnetic telegraph, cannot agree with the owner of the land which may be wanted for its purchase, it shall be lawful for such State corporation, board of administrators, directors or person to apply by petition to the district court, in which the same may be situated, or if it extends into two districts, to the judge of the district court in which the owner resides, and if the owner does not reside in either district, to either of the district courts, describing the land necessary for the purposes, with a plan of the same, and a statement of the improvement thereon, if any, and the name of the owner thereof, if known at present in the State, with a prayer that the land be adjudged to such State, corporation, board of administrators or directors upon payment to the owner of all such damages as he may sustain in consequence of the expropriation of said land for such public works; all claims for lands or damages to the owner caused by its taking or expropriation for such public work shall be barred by two (2) years prescription which shall commence to run from the date at which the land was actually occupied and used for the construction of the works.

Section 2. Bt it further enacted, etc., That all the existing laws for the forms and processes of expropriation of property shall be applicable to the said act and section thus amended and re-enacted.

60. (Relative to the Value of the Grounds, S. 1493, R. S.)

Should such landholder deem the sum assessed too small, he shall have the right to institute suit before any proper judicial tribunal for his claim; but the title shall pass from him to the school corporation.

61. (Penalty for Non-Performance of Duty, S. 1300, R. S.)

A failure on the part of any district, parish or State officer to perform the duty imposed upon him by any section of this act, under the title, "Education," and in the manner herein specified, is hereby declared a misdemeanor in office. Upon conviction thereof, such officer shall be punished by a fine of not less than fifty, and not exceeding one hundred dollars, and by imprisonment in the parish prison for a term of not less than thirty days and not exceeding three months. All prosecutions for offenses against this section shall have precedence over all cases before any justice of the peace, parish or district court.

62. (Office, Records, Vacancy, S. 26, A. 214, '02.)

A suitable office shall be provided for the State Superintendent of Public Education at the seat of government, in which he shall file, each year separately, all papers, reports and public documents transmitted to him by the board and officers whose duty it is to report to him, and hold the same in readiness to be examined by the Governor whenever he sees proper, and by any committee appointed by the General Assembly; and he shall cause to be kept a record of all matters appertaining to his office. In case of vacancy in the office of Superintendent of Public Education, the Governor shall fill the vacancy and submit the name of the appointee to the Senate for its confirmation at the first session held after the appointment.

62-a. (Salaries, Office Expenses, Clerk, Porter, S. 27, A. 214, '02, as amended by A. 28 of 1908.)

The salary of the Superintendent of Public Education shall be five thousand dollars per annum, besides which he shall be entitled to office fixtures, stationery, books, fuel and lights and

everything needed to carry on the work of his office. He shall have authority to appoint a clerk and a porter, and prescribe the duties of each; provided, that the entire expenses of his office, including salaries, postage and incidentals, shall not exceed the specified appropriation therefor, payable in monthly installments, out of the current school fund, by the Treasurer of the State, upon warrants of the State Superintendent.

63. (Duties and Authority of the State Superintendent, S. 28, A. 214, '02.)

The State Superintendent of Public Education shall have general supervision of all parish school boards in the parishes, and of all common, high and normal schools of the State, and shall see that the school system of the State is carried properly into effect. He shall be ex-officio a member of the board of supervisors of the State University and Agricultural and Mechanical College, the State Normal School, the State Industrial School at Ruston, the State Industrial School at Lafayette, the Institute for the Deaf and Dumb, the State Institute for the Blind, the Southern University, and of all other institutions of learning under the control of the State or aided in whole or in part by the State.

He shall visit all the parishes of the State as often as practicable, and shall give due notice of the time of his visit to the parish superintendent, whose duty it shall be to meet and confer with the State Superintendent on all matters connected with the interests of the public schools of the parish. His expenses incurred in the discharge of his duty shall be paid out of the current school fund, but shall not exceed the amount appropriated per annum for the purpose.

64. By Act 163 of 1900, the State Superintendent is a member of the Board of Control of the State Biologic Station.

65. (Accounts Kept by State Superintendent, S. 29, A. 214, '02.)

He shall keep an account of all orders drawn or countersigned by him on the Auditor, of all returns of settlements, and make note of all changes, in the appointment of school treasurers; whenever required any part of this account or note of change shall be furnished by the Auditor.

66. (Biennial Report, S. 30, A. 214, '02.)

He shall biennially on or before the meeting of the General Assembly, make a report of the condition and progress made



and possible improvements to be made in the public schools; the amount and condition of the school funds; how its revenues during the two previous school years have been distributed; the amount collected and disbursed for public school purposes from local taxation, or from any other source of revenue, and how the same was expended.

This report shall contain an abstract of the parish and city superintendents' report. He shall communicate all facts, statistics and information as are of interest to the public schools. He shall cause to be printed a sufficient number of copies for distribution among the members of the General Assembly, the State officials, parish school boards, public libraries, and superintendents of other States and Territories, and to meet all exchanges of educational reports.

67. (Suggestions to be Contained in Reports, S. 31, A. 214, '02.)

The Superintendent in his report shall set forth the objects, and make suggestions which may be of interest and promote the success of all the institutions of learning under his supervision. The superintendents of these institutions shall annually, by the first of March, furnish the State Superintendent of Public Education such statements of their respective institutions as may be necessary to enable him to make a full and satisfactory report.

68. (Copies of State Superintendent's Records Admissible in Evidence, S. 32, A. 214, '02.)

Certified copies of records and papers in his office shall in all cases be evidence as admissible as the original. He is authorized to make copies, when requested by any person so to do, of any papers deposited or filed in his office, and of any act or decision made by him, and certify the same, and he may demand therefor payment at the rate of twenty-five cents per one hundred words.

69. (Reports in Certain Cases; Conventions, S. 33, A. 214, '02.)

It is made the duty of the State Superintendent of Public Education to report to the State Board of Education all neglect of duty or any improper use made of school funds whenever it may come to his knowledge. He shall hold annually, conventions in the several institute districts, selecting the most convenient and accessible points, for the purpose of consultation, ad-

vice and instruction with parish superintendents in regard to supervision and management of the public schools.

70. *(Decisions and Appeals, S. 34, A. 214, '02.)

The State Superintendent shall decide all controversies or disputes that may arise or exist among the directors, or between the superintendents and the boards, and between the superintendents and teachers concerning their respective rights and duties. The facts of these controversies or disputes shall be made known to him by written statement by the parties thereto, verified by oath or affirmation, if required, and accompanied by certified copies of all necessary minutes, contracts, orders, or other documents. An appeal may be taken from his decision to the State Board of Education, provided it be taken within fifteen days after his decision shall have been made. The Attorney General, when called upon by the Superintendent of Public Education, shall give his opinion in regard to any controversy or dispute. The Superintendent of Public Education shall, whenever required, give advice, explanations, constructions, or information to the district officers and superintendents, and to citizens relative to the public school law, the duties of public school officers, the rights and duties of parents, guardians, pupils, and all officers, the management of the schools, and all other questions calculated to promote the cause of education. He shall perform all other duties imposed upon him by law.

72. (State Superintendent Appoints Attorneys in Certain Cases, S. 7, A. 122, '74.)

The Superintendent of Public Education may appoint a person of legal attainments in each school division (parish) of the State, to examine notes due and other assets arising out of purchase of lands granted to educational purposes; to recover lands improperly held and revenues diverted, and generally protect the school interest in matters appertaining thereto. He (the attorney) shall be paid a commission on moneys recovered, not exceeding ten per cent, and on the value of lands and other property recovered, not exceeding five per cent.

*Section 34. This department will gladly assist in every way in securing uniform and satisfactory administration of school affairs. The custom of answering proper inquiries from school officers, teachers or others, touching constructions and applications of school laws, will continue. All correspondence of this kind is filed here for reference, carbon copies being taken for that purpose. It is obvious that we cannot comply with requests for the return of letters of inquiry with our replies.

In appealing to the State Superintendent copies of the charges verified by oath should be furnished the officers or persons complained against that they may answer for themselves.

73. (Pupils' Eyes to be Tested, A. 292, '08.)

Be it enacted by the General Assembly of the State of Louisiana, That the State Board of Health and Superintendent of Education shall prepare or cause to be prepared, suitable test cards, blanks and record books, and all other necessary appliances to be used in testing the sight and hearing of pupils in the public schools of the State, together with the necessary instructions for the use of same; and the superintendent of Education shall furnish said test cards, record books, blanks and appliances together with the necessary instructions for the use to every public school in the State.

74. Section 2. The Superintendent, Principal, or teacher in every school, during the month of September or during the first month of school, or within thirty days after the admission of any pupils entering the school late in the session, shall in each year, test the sight and hearing of each and all pupils under his or her charge, and shall keep a record of such examination according to the instructions furnished, and shall notify in writing the parent, tutor, tutrix or guardian of every pupil who shall be found to have any defect of sight or hearing or any disease of eyes or ears of such defect; and shall make a written report of all such examinations to the State Superintendent of Education.

75. (Parish Superintendent Ex-Officio Secretary; Salary, S. 35, A. 167, '04.)

The parish superintendent shall be ex-officio secretary of the parish school board in each parish of the State, the Parish of Orleans excepted; his salary shall be fixed by the parish school board, provided, that in no case shall it be less than six hundred dollars (\$600.00) per annum.

76. (Visits to be Made, S. 36, A. 214, '02.)

He shall during the year visit once, at least, each school district in the parish, and he shall exert his best endeavors in promoting the cause of common school education. To this end he shall faithfully carry out the requirements of the State school law and the rules and regulations made for the schools by the State Board of Education.

77. (Committee for Examination of Teachers, S. 37, A. 214, '02.)

The board of school directors shall elect two persons either members or not members of the board at their discretion, who shall assist the parish superintendent in examining applicants for certificates of qualification to teach in the public schools of the parish; these examiners shall mark all answer papers, tabulate the result and present the same to the parish board, which board shall select and appoint teachers for the schools of the parish in accordance with the provisions of the law. This shall be done at a special meeting of the board called for the purpose, when necessary, and all elections of teachers shall be carefully entered in the minutes of the proceedings. The answer papers of all persons examined shall be kept for one year in the office of the parish superintendent subject to inspection of the persons examined, or persons specially authorized by them.

78. (Annual Report of the Parish Superintendent, S. 38, A. 214 of 1902, as amended by A. 53 of 1910.)

It shall be the duty of each parish superintendent on or before the tenth day of July of each year, to cause to be placed in the hands of the Superintendent of Public Education the official report of his parish schools for the previous session, showing in tables an aggregate of the school districts in his parish, the districts in which the schools are taught, and the length of time taught, the number of children at school, the cost of tuition of each child per month and for the session, the number of private schools, colleges and academies taught in the parish, and the length of the session of the same; the number of teachers employed, male, female, white and colored, the average wages of male teachers, female teachers, the amount of money raised for school purposes in the parish by local taxation or otherwise, and for what purpose it was disbursed; the number and kind of schoolhouses, the actual or approximate value of each, the number built during the session preceding the report, the number of school libraries and the number of volumes in each and the increase during the session, and the amount received and expended for them. In case of neglect or failure to make this report in the time required he shall forfeit and pay the sum of ten dollars per week, or fraction of a week, for the full time of his delinquency; said amount to be collected by the parish board for the benefit of the institute fund of the State.

79. (Forfeited Bonds, S. 1044, R. S.)

The several district attorneys throughout the State shall be entitled to demand and receive one-fifth of all sums, first deducting the percentage allowed by law to the sheriff for collecting and paying over the same, which may be collected on forfeited bonds in criminal prosecutions and misdemeanors in any court of justice.

80. (Custody of Records, Papers and Documents, S. 39, A. 214, '02.)

Each parish superintendent shall keep a record of all business transacted by him as parish superintendent, the names, numbers and description of school districts; the tabulation of the reports of school principals made monthly to him by the principals of the schools of his parish; and all other papers, books and documents of value connected with his office; and these shall be at all times subject to inspection and examination by the State Superintendent of Public Education, or by any school officer or other person interested in any question pertaining to the public schools. In addition to his annual report to the State Superintendent of Public Education hereinbefore provided for, and which shall be made in accordance with instructions of the State Superintendent, he shall furnish to the Department of Education such narrative, and such information as the State Superintendent may from time to time require of him.

81. (Oaths Superintendents May Administer, S. 40, A. 214, '02.)

The parish superintendent may administer the oath required of any of the officials of the common schools, or of any person required to make oath in any matter relating thereto, except to qualify directors.

82. (Office Days, S. 41, A. 214, '02.)

He shall attend at his office, at the parish seat, on the first Saturday of January, April, July and October, in each year, and at such other times as may be necessary for him to receive the reports of teachers and others, and to transact the business required of him.

83. (Make Quarterly Reports to Parish School Boards, S. 42, A. 214, '02.)

The parish superintendent shall make quarterly reports to the parish board of directors upon the condition of the schools under his supervision.

Sec. 70, Act 214 of 1902, has been repealed, except that portion which requires parish treasurer of school funds (now parish superintendent) to make quarterly financial report to parish school board; and Act 25 of 1910 requires a copy of the same to be forwarded to the Supervisor of Public Accounts.

84. (Superintendent as Secretary to Keep Minutes of All Proceedings, S. 25, A. 214, '02.)

The secretary shall keep full minutes of all proceedings of the board in a book provided for the purpose, and shall do and perform all other acts and duties legally pertaining to the office of the secretary of the board.

85. (Register and Monthly Report, S. 60, A. 214, '02.)

Be it further enacted, etc., That it shall be the duty of parish superintendents and teachers of the public schools of the State to keep such school records as shall be prescribed by the State Superintendent of Public Education. Prior to receiving his or her monthly salary at the end of each month, each principal of a school shall make to the parish superintendent a report of the entire number of pupils enrolled, the number of pupils in attendance during the month, the books used, the branches taught, the number of pay pupils, and such other information as the parish superintendent may deem important. If any principal willfully neglects or fails to do this, the parish superintendent shall withhold two dollars of the salary due for the benefit of the State Institute Fund.

86. (Superintendent of Schools Made Treasurer of School Funds, S. 1, A. 232, '08.)

Be it enacted by the General Assembly of the State of Louisiana, That Sec. 65 of Act No. 214 of 1902, be amended and re-enacted so as to read as follows:

Section 65. That the Superintendent of Public Schools in every parish (Parish of Orleans excepted) shall be constituted the treasurer of all school funds apportioned by the State to such parish, or raised, collected, or donated therein for the support of the free public schools; he shall receipt for all such funds to the Treasurer of the State and to the collector of parish taxes.

That the said Superintendent of Schools made treasurer of school funds under the provisions of this Act, shall give bond in

such sums as may be required by the school board of the parish; provided that said bond shall not be less than the greatest amount in the hands of the treasurer during the previous year at any one time, and the school boards of the several parishes shall pay the premium of said bond.

That the said Superintendent of Public Schools shall receive no compensation whatever for his services as school treasurer. The said treasurer shall deposit the school funds in such bank or banks as may be designated by the parish school board under the provisions of Act No. 23 of the special session of the General Assembly of 1907.

87. (Duties; Transfer of Funds; Books, Etc., S. 67, A. 214, '02.)

Said Treasurer immediately upon the acceptance of his bond, shall demand of his predecessor in the office of treasurer of the school funds, custody of all books and papers, and of all balances of school moneys in his hands as custodian of the school funds of the parish.

88. (How Funds Shall be Disbursed, S. 68, A. 214, '02.)

Said treasurer shall pay out the school funds entrusted to his charge only on the warrant drawn by the president and countersigned by the secretary of the parish school board, and shall state against what school district it is drawn, which warrant shall be drawn by these officers only in virtue of appropriations regularly made by the parish board; the parish board shall make annually an estimate of the amount of revenue for the year, appropriating the same as above required, and no warrant beyond the amount estimated shall be drawn for any year. These warrants shall be numbered and shall specify on their face to whom and for what they are given, and the date of the appropriation made by the school board; the treasurer shall pay these warrants only to the extent of the amount to the credit on his books and in the order in which they are presented, of school districts in behalf of which the warrants shall have been drawn, and said warrants shall be filed in his office as vouchers, and with the account kept by him as treasurer of the school fund, shall always be subject to examination by any one who chooses to examine them.

89. (Public Officers to Furnish Certified Reports to Auditor of Public Accounts, S. 3, A. 25, '10.)

Said Supervisor of Public Accounts shall have authority to examine and audit the books and accounts of all public boards and commissions, or any department of the State government, and to that end shall have access to all papers, books and documents in all offices which he may examine or audit under the provisions of this Act. All clerks of courts and other public officers shall furnish certified copies of any documents or papers in their possession to said Supervisor of Public Accounts whenever he shall request the same, and said certified copies shall be furnished without any charge of any kind.

90. (Quarterly Statements to be Furnished Supervisor of Public Accounts by Parish Superintendent and State Superintendent, S. 5, A. 25, '10.)

Be it further enacted, etc., That all State boards and commissions and other public offices created by law, and all educational and eleemosynary institutions of this State including parish school boards, road and drainage districts, shall furnish to said Supervisor of Public Accounts, quarterly, in each year, sworn statements of all moneys received by them, from what sources, and all moneys expended by them and for what purposes; said statements shall be accompanied by vouchers and other papers necessary to prove the correctness of the same, and no officer shall destroy any voucher or other paper belonging to his office before same has been examined and passed upon by said Supervisor of Public Accounts.

It shall be the duty of the Supervisor of Public Accounts to check said statements, and, if any irregularities exist to call the attention of those responsible thereto. In case of any irregularities or defalcations or failure of any officer or employee to comply with the provisions of this Act, it shall be the duty of the Supervisor of Public Accounts to immediately notify the Governor of the State. The quarterly sworn statements provided in this section shall be furnished the Supervisor of Public Accounts between the first and fifteenth of January, April, July and October of each year; the Supervisor of Public Accounts shall install a system of accounting in every office, which by law it is made his duty to inspect and report upon. The Supervisor of Public Accounts shall return all vouchers to the respective offices after inspection.

91. (Form of Accounts Prescribed; Records to be Kept in Office, S. 6, A. 25, '10.)

All public offices, boards, commissions and eleemosynary and educational institutions of this State and all parochial school boards, road and drainage districts, shall provide an office for their secretary and treasurer where their books and records must be kept. All accounts shall be kept in the form prescribed by the Supervisor of Public Accounts; that any failure of any officer or employee to furnish the Supervisor of Public Accounts with any information requested shall immediately report to the Governor of the State, who will take such action as he may deem proper. The Supervisor of Public Accounts is authorized to administer oaths and the Assistant Supervisor of Public Accounts when acting under instructions of the Supervisor of Public Accounts shall have the same power and authority as is granted under this Act to the Supervisor of Public Accounts, except in the matter of administering oaths.

92. (Reports Filed by Supervisor; Duty of School Board Treasurer S. 7, A. 25, '10.)

The Supervisor of Public Accounts shall make all reports of his examination in duplicate, one to be filed with the Governor and one in the office investigated, unless otherwise provided in this Act; if the report of any examination discloses any violation by any public officer or employee, the Supervisor of Public Accounts shall furnish an additional copy to the district attorney of the parish where said offense was committed. That the Auditor of Public Accounts shall furnish the Supervisor of Public Accounts, in writing, whenever a tax collector is delinquent, and every parish treasurer and every parish school board treasurer shall notify the Supervisor of Public Accounts whenever any sheriff is delinquent in his settlement.

92-a. (Penalty for Neglect of Duty, S. 10, A. 25, '10.)

Sec. 10. That any public officer or employee in an office that is subject to examination by the Supervisor of Public Accounts who willfully neglects or fails to furnish said Supervisor of Public Accounts with such papers, accounts, books, or other documents which he has the right to inspect or audit under the terms of the Act, or who shall willfully refuse or neglect to transmit to said Supervisor of Public Accounts such

reports, statements or accounts, or other documents, upon request as provided by the terms of this Act, shall be deemed guilty of a misdemeanor in office and shall, upon conviction, suffer a fine of not less than twenty-five dollars, nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months, or both such fine and imprisonment in the discretion of the court having jurisdiction.

92-b. (Repealing Clause, S. 11, A. 25, '10.)

Sec. 11. Be it further enacted, That Act No. 24 of the Extra session of 1907 be and the same is hereby repealed, and all laws and parts of laws in conflict with the provisions of this Act are also repealed.

93. (Fees of Tax Collectors, SS. 1, 2, A. 181, '08.)

That for all services, labors and duties performed by each Sheriff and ex-officio Tax Collector throughout the State of Louisiana as Tax Collector, Parish of Orleans excepted, he shall be paid five per centum on the first seventy-five thousand dollars, aggregate amount of all State, Parish, District, Poll, and other taxes and licenses, collected by him and actually paid by him into the State and Parish Treasury or to the authority designated by law to receive the same; and two per centum on the next forty-five thousand dollars, and one per cent on all amounts over one hundred and twenty thousand dollars, provided that no Sheriff and ex-officio Tax Collector shall receive for the collection of all taxes more than eight thousand dollars per annum, provided further that no Sheriff and ex-officio Tax Collector shall receive any compensation for the collection of special school taxes except in parishes where the total amount of State, Parish, Levee and Poll taxes and licenses collected do not amount to \$50,000. Be it further provided that in parishes where the collection of State, Parish, Levee and Poll taxes and licenses do not amount to \$50,000 the Sheriff and ex-officio Tax Collector shall receive five per cent on amount collected and actually paid into the State and Parish Treasury or to the authority designated to receive the same.

The payment of the compensation herein provided for the Sheriff and ex-officio Tax Collector for the collection of Taxes and Licenses shall be distributed between the State, Parish,

School Board and other taxing districts or divisions and licenses in proportion to the amount of taxes and licenses received by each.

94. (Summer Normal Schools, S. 43, A. 214, '02.)

Be it further enacted, etc., That whereas a majority of the public school teachers of the State have not had the advantage of professional training, and whereas the State should make an effort to put this training within the reach of those teachers who by reason of their age, their family ties and other obstacles, cannot pursue the full course of the State Normal School, there shall be established and maintained by the State Institute Fund, in conjunction with the Peabody Institute Fund, Summer Normal Schools in the State, with sessions of not less than four weeks.

95. (Special One Week Institutes; Attendance; Pay; Excuse for Non-Attendance, S. 44, A. 167, '04.)

Other institutes may be held when ordered by the State Board of Education or under special laws ordering such institutes to be held. Every teacher of a common school must attend the sessions upon penalty for non-attendance if satisfactory excuse has not been rendered to the parish superintendent, of forfeiting two days' pay. There shall be a vacation of the common schools of the parishes, to give opportunities to the teachers to attend; and no reduction of the teacher's salary shall be made during said vacation, provided he or she was in attendance the full time of the session of the institute. These institutes, held under this section, shall, as far as possible, be held in some town centrally located, and teachers from as many parishes as can conveniently attend shall be notified to attend. This notice they shall obey, under the penalty before mentioned.

96. (Board of State Institute Managers and Institute Conductor, S. 45, A. 214 of 1902, as amended by A. 223 of 1910.)

The State Superintendent of Public Education, the President of the Louisiana State University and Agricultural and Mechanical College, the President of the Louisiana State Normal School, the President of Louisiana Industrial Institute at Ruston, and the President of Louisiana Southwestern Industrial Institute at Lafayette, and the Superintendent of Public Education of the Parish of Orleans shall be a Board of State Institute Managers and in their discretion shall select an

experienced institute conductor, who shall have general charge of the summer normal work, and whose services shall be paid for out of the institute funds in such manner as shall be agreed upon by the Board named in this Act. The institute conductor shall be secretary of the Board.

97. (Certificates Issued; Preference to Holders of Same, S. 46, A. 214, '02.)

The managers of the summer normal schools shall issue certificates of attendance to every teacher present during the whole of their sessions, and the parish boards of school directors shall give preference, other things being equal, to the holders of said certificates in the selection of teachers for the public schools.

98. (Institute Conductor's Report, S. 47, A. 167, '04.)

The conductors of the State (one-week) Institute shall make a full report of their work giving the names of the teachers in attendance, with a detailed account of all institute funds received and disbursed, to the State Superintendent of Public Education for publication in his biennial report to the General Assembly and to the Board of the Peabody Education Fund.

99. (Monthly or Bi-Monthly Parish Institutes Compulsory, S. 1, A. 119, 1910, amending and re-enacting S. 34, 35, 36, 37, 38, 39, 41 and 43, A. 81 of 1888.)

It shall be the duty of every parish superintendent of education to conduct a teachers' institute or association on one Saturday of every month, or, in his discretion, on a Friday and Saturday of every alternate month, during the time the public schools are in session in his parish, in each institute district.

100. (Attendance Obligatory; Penalties, S. 2, A. 119, 1910.)

The parish superintendent shall notify all teachers of the time and place of the monthly or bi-monthly institute meetings, and it shall be the duty of all teachers in the parish to attend these meetings and to take such part in the exercises as the superintendent may indicate. Such teachers as shall fail to be present, or, being present, refuse to perform the part assigned them on the program by the superintendent at such institute meeting, shall forfeit one day's salary for each absence, or one day's salary for each failure to perform the part assigned them on the program by the superintendent. The amount so forfeited

shall be deducted from such teachers' next monthly warrant by the superintendent and by him credited to the institute fund of the parish to be set aside and used exclusively for institute work in the said parish.

101. (Compensation for Attendance; No Extra Compensation on School Days, S. 3, A. 119 of 1910.)

School boards are hereby authorized and empowered to pay each teacher attending an institute or association meeting two dollars per day for each monthly meeting or bi-monthly meeting and three cents per mile each way to and from said meetings; provided that when the institute is held on regular school days teachers shall only receive their regular pay as teachers for such attendance.

102. (Programs and Reading Course; Penalty Imposed Upon Superintendent, S. 4, A. 119 of 1910.)

It shall be the duty of the State Institute Conductor to formulate the programs for teachers' institutes or association meetings, and it shall be the duty of the Board of State Institute Managers to formulate the State Reading Course for teachers yearly, and it shall be the duty of the parish superintendent to consult the State Institute Conductor relative to conducting teachers' institutes, and, when conducting teachers' institutes or associations, to follow the programs and the State Reading Course for teachers so prepared, as aforesaid. The parish superintendent shall forfeit five dollars for each institute or association he fails to cause to be held, or fails to conduct, as required by this Act, unless physically unable to attend, or for other valid reasons appearing to the satisfaction of the School Board; the said fine shall be collected by the School Board and credited to the institute fund, as provided in Section 2 of this Act. The daily session of the teachers' institute or association shall be not less than five hours per day actual work.

103. (Roll Call; Annual Report, S. 5, A. 119, 1910.)

The parish superintendent, at the opening of the institute meeting, shall cause a roll of teachers to be prepared, which roll shall be called at least twice during each daily session of the institute. He shall ascertain the number of teachers in attendance and the length of time each attends, and he shall carefully note the names of all absentees, and to this end he

shall keep a record and at the end of the school session he shall make an annual report to the State Institute Conductor of the Institute work in his parish for the year upon blanks furnished him by the State Institute Conductor for said purpose.

104. (Institute Managers; Compensation, S. 6, A. 119, '10.)

The parish superintendent shall, before the beginning of the regular public school term, appoint a competent teacher of his parish as institute manager for each district, if there be more than one institute district in his parish; and such institute managers shall be paid three dollars per day as compensation for actual services in holding such institutes, or for assisting the superintendent while holding said teachers' institute. Provided, that when the teachers' institute is held on a regular school day, the compensation of the institute managers shall be their regular salary and no more.

105. (Institute Not Applicable to New Orleans, S. 7, A. 119 of 1910.)

The provisions of this Act shall not apply to the Parish of Orleans, but the School Board of said parish at its election may conduct such teachers' institutes provided for in this Act, in the same manner and with the same power and authority as hereinabove set forth.

106. (Repealing Clause, S. 8, A. 119 of 1910.)

Section 8. Be it further enacted, etc., That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

106-a. (Local Institute Fund, S. 40, A. 81, '88.)

All institute funds shall be collected and receipted for by the superintendent. He shall have a record of the amount received, hand them over to the treasurer of the school board, who shall keep a separate account of these funds. He shall pay them out on the warrant of the superintendent, countersigned by the president of the school board. These funds shall be expended only in the interest of the institutes.

NOTE.—(This does not apply to the dollar collected for teachers' examination fee, which is to be sent to the State Superintendent of Education as per Sec. 49, Act 167, '04, nor to fines imposed when the law stipulates that the money is to be paid to the State Institute Fund.)

107. (Columbus Day, A. 56, 1910.)

The several school boards of the State of Louisiana shall annually authorize, direct and instruct the parish superintendent of education, or other proper authority to observe the anniver-

sary of the date of the discovery of America by Christopher Columbus, October 12, by such fitting and appropriate exercises, as the said various and several school boards may determine upon and select.

Sec. 2. Any failure upon the part of the said several and various school boards and parish superintendents to comply with the provisions of this Act, shall subject said school boards and members thereof, and the parish superintendent to charges of nonfeasance, and neglect of duty, which may be preferred by any person, before the proper authority.

108. (Public School Officials and Teachers May Not be Agents for School Supplies, A. 287, '08.)

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That it shall not be lawful for any school official or teacher while employed in the public school to act as agent for, or receive gifts, rebates, commissions or fees, directly or indirectly from individuals or companies that manufacture, handle or sell in the State of Louisiana any kind of school books, school supplies, school furniture, or school building materials.

Section 2. Be it further enacted, etc., That any school official or teacher employed in the public schools who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall ipso facto forfeit his position and the proper authorities upon notice of such conviction shall at once proceed to fill said position so vacated and said official or teacher shall be sentenced by the court to pay a fine of not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned for not exceeding ninety days, or both such fine and imprisonment at the discretion of the court.

108-a. (Bird Day Established, S. 14, A. 198, '06.)

Section 14. Be it further enacted, etc., That the State and Parish Boards of Public Education are directed to provide for the celebration, by all public schools, of "Bird Day," on May fifth of each year, being the anniversary of the birth of John James Audubon, the distinguished son of Louisiana.

On the recurring anniversary days, suitable exercises are to be engaged in, and lessons on the economic and esthetic value of the resident and migratory birds of the State are to be taught, by the teachers, to their pupils.

109. (Teachers' Examinations; Time, S. 48, A. 214, '02.)

Examinations of applicants for certificates of qualifications to teach in the public schools of the State shall be held on dates designated by the State Board of Public Education.

110. (Examiners; Oath; Duties and Penalties for Non-Performance, S. 50, A. 214, '02.)

Before the examiners shall commence their examination of applicants, they shall take an oath that they will faithfully discharge their duties. They shall not give to any person a certificate before examining the candidate, touching his or her qualifications to teach, and who is not qualified to teach as required by the public school law. They shall be satisfied that the applicant is possessed of good moral character. If at any time a teacher becomes incompetent, inefficient, or unworthy of the endorsement given him or her, the parish superintendent may revoke the same and notify the board of his action for its approval or disapproval. Any teacher may be discharged at any time under the above provisions, but he shall be entitled to receive payment for services only up to the time of such dismissal.

111. (Examination Fee, S. 49, A. 214, '02, amended and re-enacted by A. 133, '06.)

Before being examined each applicant for a certificate to teach shall pay a fee of one dollar. The money so received shall be forwarded to the State Superintendent of Public Education by the parish superintendent, along with the names of the persons by whom it has been paid. The State Superintendent shall give to each parish superintendent a receipt for the money for the benefit of the Institute Fund. A list of all moneys so received shall be forwarded to the State Board of Education.

112. (Additional Requirement, S. 3, A. 40, '88.)

No certificate shall be granted hereafter to any new applicant to teach in the public schools of Louisiana, who has not passed a satisfactory examination in the study of the nature of alcoholic drinks and narcotics, and their effects upon the human system, in connection with the several divisions of the subject relative to physiology and hygiene.

113. (Third Grade Certificate, S. 51, A. 214, '02.)

To obtain a third grade certificate the applicant must be found competent to teach spelling, reading, penmanship, drawing, arithmetic, English grammar, geography, the history of the United States, the Constitution of the United States, the Constitution of the State of Louisiana, physiology, and hygiene, with special reference to the effects of stimulants and narcotics upon the human system, and the theory and art of teaching.

114. (Second Grade Certificate, S. 52, A. 214, '02.)

To obtain a second grade certificate the applicant must be found competent to teach all the foregoing branches, and also grammatical analysis, physical geography and elementary algebra.

115. (First Grade Certificate, S. 53, A. 214, '02, amended and re-enacted by Act 133, '06.)

To obtain a first grade certificate the applicant must be found competent to teach all branches required for a third grade and second grade certificate, and also higher algebra, natural philosophy and geometry; provided, that graduates of all institutions of learning authorized to confer diplomas under the laws of this State, applying in examinations for first grade teacher's certificates, be credited with having passed a satisfactory examination for said first grade teacher's certificate in such of the required subjects as, by the president of said institution, may be certified to as having been completed in the course of study of the applicant, excepting theory and art of teaching as it applies to the subjects required for a first grade teacher's certificate, and to general school practices.

115-a. (Institutions Authorized to Issue Diplomas by the Laws of the State.)

(Up to and including the regular session of 1910.)

(For exemptions and methods of procedure see §115.)

Centenary College, Shreveport.

Convent of Ursulines, The, New Orleans.

Holy Cross College, The, New Orleans.

Home Institute, New Orleans.

Jefferson College, Convent.

Keachie Female College, Keachie.

Leland University (colored), New Orleans.

Louisiana College, Pineville.

Louisiana Industrial Institute, Ruston.

Louisiana State University, Academic Department, Baton Rouge.

Newcomb College, New Orleans.

New Orleans University (colored), New Orleans.

St. Mary's Academy, New Orleans.

St. Mary's Dominican Academy, New Orleans.

Silliman Institute, Clinton.

Southwestern Louisiana Industrial Institute, Lafayette.

Southern University (colored), New Orleans.

Straight University (colored), New Orleans.

Tulane University, Academic Department, New Orleans.

116. (Certificates; License to Teach; How Long and Where, S. 54, A. 214, '02.)

A third grade certificate shall entitle the holder to teach for one year; the second grade certificate shall entitle the holder to teach in the public schools for three years from its date; a first grade certificate shall entitle the holder to teach for five years from its date. If a person pass a satisfactory examination by any parish superintendent, obtain a certificate of any grade, and purpose to teach in another parish, it shall be lawful for the superintendent holding the papers written at the examination for such certificate, upon the request of any parish superintendent, to transfer such papers to him, and if found satisfactory, a certificate thereon, of the proper grade, to be for the same length of time as the original certificate, may be issued by him to the same effect as though he had examined the applicant himself.

117. (Special Certificates, S. 55, A. 214, '02.)

Special certificates in studies of high grade may be issued on a satisfactory examination in branches to be taught in any special academic department, which certificates shall entitle their holders to special appointment in a department where such studies may be taught.

118. (License and Contract Necessary to Teach in Public Schools, S. 56 A. 214, '02.)

No person shall be appointed to teach without a written contract for the scholastic year in which the school is to be taught, and who shall not hold a certificate of a grade sufficiently high

to meet the requirements of the school; unless he or she holds a certificate or diploma provided for by this Act, which exempts him or her from examination.

119. (Teachers Not Affected, S. 57, A. 214, '02.)

Teachers now in position and holding certificates shall not be affected by the provisions of this Act, it being the intention thereof to have regard to certificates to be issued in the future rather than those issued in the past and held by teachers now employed and giving satisfaction to their boards; but all certificates are revocable, and all teachers subject to examination whenever they fall under the provisions of Section 50 of this Act.

120. (Certificates to be Filed by the Teacher, S. 58, A. 214, '02.)

Each teacher of any school in this State supported wholly or in part from public money shall, before receiving any remuneration for services rendered in said capacity, file a certificate with the person by whom such payments are authorized to be made to the effect that such teacher has faithfully complied with all the provisions of this Act during the entire period for which such payment is sought, and in the manner specified in this Act; and no money shall be paid to any teacher who has not filed such a certificate.

121. (State Teacher's Certificate, A. 55, '06.)

To obtain a State teacher's certificate, the applicant must be found competent to teach all of the subjects now required for a first grade teacher's certificate, and also literature, chemistry, bookkeeping, Latin, general history, botany, history of education, psychology, and school administration; provided, that the graduates of all institutions of learning authorized to confer diplomas under the laws of this State be credited with having passed a satisfactory examination for said State teacher's certificate in such of the required subjects as, by the president of said institution, may be certified to as having been completed in the course of study of the applicant, excepting theory and art of teaching, history of education, psychology, and school administration.

122. Section 2. Be it further enacted, etc., That a State teacher's certificate shall entitle the holder to teach in any parish of

the State for a term of ten years, from date of said certificate, after which same may be renewed by the State Board of Examiners.

123. Section 3. Be it further enacted, etc., That the examination for a State teacher's certificate shall be conducted by a State Board of Examiners, same to consist of the State Superintendent of Public Education, the President of the Louisiana State University and Agricultural and Mechanical College, and the President of the Louisiana State Normal School, under such rules and regulations as may be adopted by the said State Board of Examiners, provided that it shall be optional upon all teachers to take advantage of this Act.

124. Section 4. Be it further enacted, etc., That the State Board of Examiners shall issue State teachers' certificates as provided for in this Act.

125. (**Diplomas of Certain Schools Valued Same as First Grade Certificates, S. 59, A. 214, '02, as amended by Act 133, '06, as amended by Act 174, '08.**)

The diplomas conferred by the Peabody Normal School located at Nashville, Tennessee, upon graduates of that institution, as also diplomas conferred by the State Normal School, at Natchitoches, Louisiana; as also diplomas conferred upon the graduates of the City Normal School of New Orleans, Louisiana, as also diplomas conferred upon the graduates of the department of Philosophy and Education of the Louisiana State University and Agricultural and Mechanical College, as also diplomas conferred upon the graduates of the Teachers' College of Tulane University, as also full diplomas conferred upon graduates completing the course in the Teachers Training Department of all schools, or institutions of learning now authorized by special Acts of the General Assembly to confer diplomas under the laws of this State, that will establish a Teachers Training Department following a curriculum to be established by the State Board of Education, shall entitle the holders thereof to a first grade certificate, valid in any town or parish in this State for four years from the date of graduation, at the expiration of which time certificates awarded to the graduates of the Peabody Normal School may be renewed by the State Superintendent of Public Education, upon satisfactory evidence of the ability,

progress and moral character of applicants asking for such renewal; certificates awarded to the graduates of the State Normal School may, in like manner, be renewed at the expiration of four years by the Board of Administrators of the said Normal School; certificates awarded to the graduates of the Department of Philosophy and Education of the Louisiana State University and Agricultural and Mechanical College may, in like manner, be renewed at the expiration of four years by the Board of Administrators of said institution; certificates awarded to graduates of the City Normal School, of New Orleans, in like manner, may be renewed at the expiration of four years by the Board of Directors by whom they were originally issued; and certificates awarded to graduates of all other institutions having complied with the curriculum and having established a Teachers Training Department as provided in this Section, may be renewed at the expiration of four years by the authority of said institution having originally issued said diploma.

126. (Police Jury and Municipal Tax, A. 257 of 1910, amending the Constitution.)

The police juries of the several parishes and boards of trustees and municipal councils of incorporated cities and towns (the Parish of Orleans excepted) shall levy, collect and turn over to the parish school boards of their respective parishes for the support of the public schools of their respective parishes, cities or towns, the proceeds of at least three mills of the annual tax which they are empowered to levy on each dollar of the assessed valuation of the property thereof; provided that cities and towns that are not exempted by the terms of their charters from the payment of parish taxes and which are subjected to the similar burdens of taxation as are the parishes shall not pay this tax, as same is included in the taxes imposed by the parish in which the town is situated, "unless the parish boards of school directors of that parish certify that the needs of the schools can be met by a smaller levy of such taxes."

127. (Apportionment of Current School Funds, S. 62, A. 214, '02.)

The State Superintendent of Public Education shall, in the months of February, June and November, in each year, apportion the funds appropriated by the General Assembly for the support of the public schools of the State among all the parishes

of the State according to the number of children between the ages of six and eighteen years in each parish; provided, that all the poll tax collected in any parish shall be appropriated to said parish. The amount so apportioned shall be paid by the State Treasurer to the school treasurer of each parish upon the warrant of the State Superintendent of Public Education.

128. (Accounts State Treasurer Shall Keep, S. 1326, R. S.)

An account shall be opened on the books of the treasury, to be called the Current School Fund; such account shall be charged with the annual expenditures for the public schools and credited with the net receipt for the special taxes laid by the General Assembly for the support of the public schools, and with the receipts from such other sources as may be designated by law. It shall be the duty of the Auditor, in his annual report, to present a statement of the condition of said fund, and an estimate of the special tax needed for the support of the public schools during the ensuing year beyond the receipts for said support from other sources. It shall be the duty of the Superintendent of Public Education to furnish the Auditor with all information he may require for his said report.

129. (School Fund; How Applied, S. 1327, R. S.)

The Current School Fund shall be used for the support of the public schools, and the surplus of receipts over expenditures for any one year, shall be appropriated to the support of public schools during the ensuing year; and the Act numbered 224 of eighteen hundred and fifty-four, and the Acts 180 and 265 of eighteen hundred and fifty-five, which direct said surplus to be funded, be and the same are hereby repealed.

130. (Interest on United States Deposit Funds, S. 1328, R. S.)

The interest on the United States deposit fund shall be appropriated to the annual support of the public schools, provided by the Constitution; and it shall be the duty of the Auditor and Treasurer annually to transfer from the general fund of the treasury to the current school fund the sum of twenty-eight thousand seven hundred and ninety-five dollars and fourteen cents, the amount of said interest.

131. (Bonds and Fines, S. 64, A. 214, '02.)

All fines imposed by the several district courts for violation of law, and the amounts collected on all forfeited bonds in

criminal cases, after deducting commissions, shall be paid over by the Sheriff of the parish in which the same are imposed and collected, to the treasurers of the school boards in said parishes, and shall be applied to the support of the public schools as are applied the other funds levied for the purpose, the parish of Orleans excepted.

132. (Special School Taxes Authorized, S. 1, A. 256 of 1910.)

Parishes, wards, cities, towns, villages, school districts, road districts, drainage districts and sub-drainage districts are declared to be political sub-divisions of the State, and special taxes may be levied and debt incurred and negotiable bonds issued therefor as hereinafter provided, except that the Parish of Orleans and the City of New Orleans are exempted from the provisions of this Act. The governing authority of subdivisions herein defined shall be for parishes, wards and road districts within such parish, the Police Jury of the Parish; for cities, towns and villages, the municipal boards thereof; for drainage and sub-drainage districts, the drainage commissions of the drainage district; for school districts, the school board of the Parish in which they are located, and when a school district is composed of lands of more than one Parish, then the school board of the Parish which furnishes the territory in said school district carrying the highest assessment.

132-a. (School Board Authorized to Call Elections for Special Taxes, S. 2, A. 256 of 1910.)

The Police Jury of any parish acting for the parish, a ward or road district therein and the governing authorities of any other subdivision as herein defined shall have authority to call a special election for the purpose of submitting to the property taxpayers who are authorized to vote at such election under the Constitution and laws of the State of Louisiana, a proposition to levy a special tax not to exceed the limit that is now or may hereafter be fixed by the Constitution of Louisiana for the purpose of giving additional aid to public lands, constructing or purchasing any work of public improvement in keeping with the objects and purposes for which the subdivision was created, and the title to which shall vest in the public or in the subdivision in which such tax is levied; and at the same election, similarly called and held, a proposition may be submitted to the property tax-

payers as to whether or not they will incur debt and issue negotiable bonds therefor not to exceed ten (10%) per centum of the assessed value of the property for the subdivision calling said election, to be issued for the purpose of purchasing or constructing works of public improvement in keeping with the objects and purposes for which the subdivision was created, and the title to which shall vest in the public or subdivision levying the tax. That such governing authority shall be required to call an election for either of the purposes above mentioned when requested to do so by the petition in writing of one-fourth of the property taxpayers eligible to vote in said election.

132-b. (Resolution Calling the Election; Publication, S. 3, A. 256, '10.)

In the resolution calling the election, the rate, object and purpose for which the tax is to be levied and the number of years it is to run, must be stated. If the proposition is to incur debt and issue negotiable bonds therefor, the object for which the debt is to be incurred, the number of years it is to run and the rate of interest to be paid on same, shall be stated in the proposition submitted to the property taxpayers. After such resolution is passed, a notice of said election shall be given, embracing substantially all things that are required to be set forth in the resolution, and shall set forth further that the authorities ordering the election will, in open session to be held at an hour and place named in such notice, proceed to open the ballot boxes, examine and count the ballots in number and amount, examine and canvass the returns, and declare the result of the election. Such notice shall be advertised for thirty days in a weekly newspaper published in the subdivision or parish in which the tax is proposed to be levied, and if there is no newspaper published in the parish, by posting in three public places in the subdivision ordering the election. Four weeks' publication in a newspaper shall constitute a publication for thirty days, provided thirty days intervene from the date on which the publication is first inserted and the day on which the election takes place.

133. (Who Is Entitled to Vote, S. 4, A. 256, '10.)

The property taxpayers, qualified as electors under the Constitution and laws of this State, shall be entitled to vote at such elections, the qualifications of such taxpayers as voters to be those of age, residence and registration as voters; provided that resident women taxpayers shall have the right to vote at all such elections without registration, in person or by their agents authorized in writing, which written authorization shall be attached to such agent's ballots, respectively; provided that, whenever the limit and boundaries of any municipal corporation have been extended under the laws of this State, and the assessment roll that is to include the property in the extended limits has not already been made for said municipal corporations, those who have become property taxpayers of said municipal corporation by the extension of its limits and who are qualified under the Constitution and laws of this State to vote, shall be permitted to vote under this Act, and that the assessment of the property within such municipal corporation as extended shall, for the purpose of ascertaining the assessed valuation of property herein and for the purpose, of any election under this Act, be taken from the last assessment roll of the parish.

133-a. (Election Held Under Supervision and at Expense of School Board, S. 5, A. 256, '10.)

Such elections shall be conducted under the supervision and at the expense of the subdivision ordering the same, the governing authority of which shall appoint for each polling place three commissioners and one clerk of election (all of whom shall be registered voters), designate the polling places, provide the ballot boxes, ballots, the necessary blanks for tally sheets, lists of voters, valuations of property and compiled statement of the voters in number and amount, and fix the compensation of such election officers.

133-b. (Duty of Registrar of Voters, S. 6, A. 256, '10.)

It shall be the duty of the registrar of voters to furnish the commissioners appointed to hold such elections with the lists of taxpayers entitled to vote in person or by proxy at such elections, together with the valuation of each taxpayer's property as shown by the assessment roll last made and filed prior to each election; provided that, when any taxpayer's name and valuation of

property shall be omitted from such list or erroneously entered thereon the commissioners of election shall have authority to receive affidavits of such taxpayer's right to vote and of the proper assessed valuation of his property, which affidavit shall be attached to such taxpayer's ballot.

134. (Manner of Challenging Voters, S. 7, A. 256, '10.)

Whenever the vote of any taxpayer shall be challenged, the commissioners of election shall receive in writing the grounds of challenge, signed by the person or persons challenging such vote, together with the challenged taxpayer's statement of his asserted right to vote, and attach such challenge and statement to his ballot.

134-a. (Form of Ballots, S. 8, A. 256, '10.)

The ballots provided for any election held under the provisions of this Act shall be of such form as to enable the voters to vote in favor or against the proposition submitted, and that when more than one proposition shall be submitted at the same time, they shall be so submitted as to enable one voter to vote on each proposition separately. The ballots to be used at such election shall be in the following form:

FOR THE LEVYING OF A TAX.

Proposition to levy a..... mill (Rate) tax on all the property subject to State taxation in for the period (Subdivision) of for the purpose of (Term) (Here state the purpose of the tax) Taxable valuation \$..... (Signature of Voter)	Yes	
	No	

NOTICE TO VOTERS: To vote in favor of the proposition submitted upon this ballot place a cross (X) mark in the square after the word "Yes;" to voteo against it place a similar mark after the word "No."

FOR THE ISSUANCE OF BONDS.

Proposition to incur debt and issue bonds of to the amount of (Subdivision) (Amount) to run years, bear- (Term) ing interest at the rate of (Rate) per centum per annum, payable for the..... (Annually or semi-annually) for the purpose of (Here state the purpose of debt) Taxable valuation \$..... Signature of Voter	Yes No
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NOTICE TO VOTERS: To vote in favor of the proposition submitted upon this ballot place a cross (X) mark in the square after the word "Yes;" to vote against it place a similar mark after the word "No."

134-b. (Manner of Selecting Substitute Commissioners, Etc., S. 9, A. 256, '10.)

Whenever any commissioner or clerk of election, appointed as provided in Section five of this Act shall be unable, fail, or neglect to attend or serve at the polling place designated at the hour fixed for the opening of the polls, or within one hour thereafter, the commissioner or commissioners present shall appoint, or in the absence of all the commissioners the voters present shall elect the necessary number of commissioners and clerks, who shall have the same powers, compensation and duties as other commissioners and clerks, to serve in the place and stead of such absent or delinquent appointees.

135. (Oath of Election Officers, S. 10, A. 256, '10.)

The commissioners and clerks of such elections, before opening the polls, shall be sworn to perform all the duties incumbent on them as such, the oath to be taken before any officer authorized to administer oaths, or by the Clerk and each commissioner

before any other commissioner, such commissioners of election being authorized to administer any oath and to receive any affidavit provided for in this Act.

135-a. (Voter's Name to be Endorsed on Ballot, S. 11, A. 256, '10.)

Each voter's name shall be endorsed by his ballot; provided that ballots voted by proxy shall have endorsed thereon the names of both of the taxpayer and of her proxy.

NOTE.—Attorney General Guion rules that persons voting for a special school tax or having to vote for a proposition to fund taxes into bonds shall endorse their names on the back of the tickets. The voter's name and the value of his property will appear on the face of the ticket in the blanks arranged for this purpose, but the voter's name should also be endorsed on the back of the ticket.

135-b. (Manner of Voting, S. 12, A. 256, '10.)

The commissioners of election shall receive the ballot of each voter, check his name, or that of his principal, on the list of voters furnished by the registrar as having voted, enter and number his name, or that of his principal, on the list of taxpayers voting, and immediately deposit his ballot in the ballot box, reserving to each voter the right to so fold his ballot that it shall not be known at the time of his voting whether he has voted in favor of or against the proposition or propositions submitted.

136. (Time of Opening and Closing Polls, S. 13, A. 256, '10.)

The polls of election ordered and held under the provisions of this shall, on the day appointed for any such election, open at seven o'clock a. m. and remain open until and not later than five o'clock p. m.; provided that no election shall be vitiated by a failure to open the polls at the time prescribed or by closing the same before the time prescribed, unless, on a contest, it be proven that voters were thereby deprived of their votes sufficient in number and amount to have changed the result of such election.

136-a. (Manner of Compiling Votes, S. 14, A. 256, '10.)

That immediately after the closing of the polls, the commissioners shall, in the presence of the bystanders proceed to open the ballot boxes, count the ballots found in the box and check same with the list of voters kept, then proceed to count the votes in number and amount, keep in duplicate tally sheets showing the votes in number in favor of and against the proposition or propositions submitted and showing valuation of property in

favor of and against same, make in duplicate compiled statements of the vote in number and amount, both in favor of and against such proposition or propositions; that after swearing to the correctness of the numbered list of voters, the duplicate tally sheets and duplicate compiled statements, they shall deposit the ballots, the registrar's list of voters, the numbered list of taxpayers voting, one duplicate tally sheet and one duplicate compiled statement, in the ballot box, immediately seal up said ballot box and, within forty-eight hours after the closing of the polls, deliver said sealed ballot boxes with their contents to the authorities ordering such election and shall within the same delay deliver the other duplicate tally sheet and the other duplicate compiled statement to the Clerk of the District Court of the parish in which such election has been held, who shall file the same in his office.

If the election commissioners on counting the ballots find that they do not correspond with the list of voters, they shall before counting the ballots, examine same for the purpose of finding the discrepancy; and if it should be found that any ballots have been duplicated the same shall be destroyed, or if it is found that the name of the voter has been omitted from the list of persons voting, same shall be added to said list.

136-b. (Returns Canvassed by Governing Authority, S. 15, A. 256, '10.)

On the day and at the hour and place named in the notice ordering such election, the authorities under whose orders such election has been held, shall, in public session, proceed to open the ballot boxes, examine and count the ballots in number and amount, examine and canvass the returns and declare the results of such election, which result they shall thereafter promulgate by publication in one issue of the official journal, or other newspaper of the parish, where there is no official journal or by posting where no newspaper is published.

136-c. (Process Verbal Required, S. 15, A. 256, '10.)

The authority ordering the election shall keep a process verbal of the manner in which the ballot boxes have been opened, the returns canvassed and the result of the election ascertained and shall forward a copy of said process verbal to the Secretary of State, who shall record the same, another copy to the Clerk of

the District Court who shall also record said copy in the mortgage records of the parish, and the remaining copy shall be retained in the archives of the office of the authority ordering the election.

136-d. (Returns Kept Three Months, S. 16, A. 256, '10.)

The custodian of the archives or records of the authority ordering such election shall preserve, for the term of three months from the date of promulgation of such election, the ballots and other returns thereof.

137. (Election Incontestible After Sixty Days, S. 17, A. 256, '10.)

For a period of sixty days from the date of the promulgation of the result of any such election, any person in interest shall have the right to contest the legality of such election for any cause; after which time no one shall have any cause of action to contest the regularity, formality, or legality of said election for any cause whatever. If the validity of any election held under the provisions of this Act is not raised within sixty days herein prescribed, then no governing authority of any subdivision herein named, required to levy a tax or issue bonds as authorized at an election or under this Act, shall be permitted to refuse to perform that duty and urge as an excuse or reason therefor, that some provision of the Constitution or law of Louisiana has not been complied with, but it shall be conclusively presumed that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of sixty days as herein provided.

137-a. (Majority in Number and Amount Necessary to Carry an Election, S. 18, A. 256, '10.)

Any proposition submitted by the governing authority of any subdivision as herein authorized either for the purpose of levying a tax, incurring a debt, or issuing bonds, must be voted for by a majority in number and amount of the property taxpayers, qualified as electors under the Constitution and laws of this State, voting at an election held for that purpose as herein provided, before any such tax shall be levied, or before any debt shall be incurred or bonds issued.

137-b. (Duty of Governing Authority to Levy and Assess Special Tax, S. 19, A. 256, '10.)

In the event that any election ordered and held as aforesaid shall result in favor of the proposition to levy and assess special taxes upon the property subject to taxation in the Subdivision, the Police Jury for the Parish, Ward or Road District and the Governing Authority of any other Subdivision named herein shall, after the promulgation of the result of such election and pursuant to the terms of the proposition submitted levy and assess the said special taxes on such property;

137-c. (Tax Not to Exceed Constitutional Limitation.)

Provided that the total rate of taxation so imposed shall not exceed the Constitutional limit, nor shall such tax run for a greater number of years than the number named in the proposition submitted, nor be imposed for any other purpose than that named in such proposition.

138. (Bonds; Regulations for Same, S. 20, A. 256, '10.)

In the event that any election ordered and held for the purpose of incurring debt and issuing negotiable bonds therefor shall result in favor of the proposition, the Police Juries for their respective Parishes, Wards or Road Districts and the governing authorities of all other Subdivisions shall, after the promulgation of the result of such election and pursuant to the terms of the proposition submitted, by resolution incur the debt and issue negotiable bonds therefor, to be signed by the President or Chairman and Secretary of the authority issuing the bonds, provided the bonds shall be issued for no other purpose than that stated in the submission of the proposition to the property taxpayers, nor for a greater amount than therein mentioned, nor for any other purpose than the purpose set forth in the proposition submitted to the property taxpayers and as authorized by the Constitution of the State, nor run for a longer time than that named in the proposition not exceeding forty years nor bear a greater rate of interest than five (5) per centum per annum, payable annually, nor issued for a greater amount than ten per centum of the assessed value of the subdivision, including any prior bond issue nor be sold by the authorities issuing same for less than par.

138-a. (Collection of Taxes Governed by General Laws, S. 23, A. 256, '10.)

All the articles and provisions of the Constitution of 1898 and all the laws in force or that may be hereafter enacted regulating and relating to the collection of State taxes and tax sales shall also apply to and regulate the collection of the special taxes or forced contribution, imposed under the provisions of this Act, through the officer whose duty it shall be to collect the taxes and moneys due the municipal corporation, parish, or drainage district, imposing such special taxes, or forced contributions.

138-b. (Proceeds of Bonds a Trust Fund for Payment of Interest and Principal of Bonds, S. 24, A. 256, '10.)

The proceeds of the sale of all bonds issued under the provisions of this Act shall constitute a trust fund, to be used exclusively for the purpose or purposes for which said bonds are authorized to be issued. That any income derived from the particular improvement purchased or constructed, when so set aside by resolution of the governing body of the subdivision, shall, after the expense and cost of maintenance of said improvements are paid, constitute a trust fund to be devoted to the payment of the interest on the indebtedness so contracted, and any surplus, after the payment of such interest, shall be placed in the sinking fund to be used in the extinguishment of the principal of said obligation or bonds at maturity.

138-c. (Proceeds of Special Taxes Collected a Trust Fund, S. 25, A. 256, '10.)

The proceeds of any special tax which have been voted for a particular purpose as authorized by the Constitution and the provisions of this Act shall constitute a trust fund to be used exclusively for the objects and purposes for which the tax was levied and shall from year to year as collected be kept separate and used for no other purpose than the purpose for which the said tax was voted.

139. (Sinking Fund to be Set Aside, S. 26, A. 256, '10.)

If the bonds to be issued are to be paid out of funds realized from a tax, an acreage tax or forced contribution, which tax, acreage tax or forced contribution is limited and a fixed amount required to be collected each year, then the governing authority

issuing the bonds and levying the acreage tax, shall, beginning at a yearly period before the maturity of such debt or bonds, which period shall never be less than one-fourth of the whole term for which said debt is incurred, or said bonds are issued, set aside annually, from said trust fund derived from said tax, acreage tax or forced contribution, a sinking fund for the payment of the principal of said debt or said bonds, at least one fraction of the principal of said debt, or of said bonds, said fraction to be ascertained by dividing the principal of said debt or of said bonds by the remaining number of whole years before the maturity of said debt or bonds; and that the sinking fund thus set aside shall be sacredly applied to the payment of such debt and such bonds. The time from the commencement of the provision of a sinking fund as herein required, until the maturity of the said debt or of said bonds to be known as the redemption period.

139-a. (Tax to Pay Principal and Interest Must be Levied Every Year, S. 27, A. 256, '10.)

The governing authority of a Subdivision incurring debt and issuing bonds as herein contemplated, shall annually, at the same time that other taxes are levied, or at any other time, in addition to all other taxes now authorized by the Constitution and laws of the State of Louisiana, and in addition to any special tax that may be levied at any election called and held for that purpose, levy a tax sufficient to pay the interest and principal on said bonds becoming due the ensuing year. When a period is fixed at which such bonds shall begin to mature, the total amount of indebtedness shall be divided among the number of years in which payments are to be made and the principal to be paid each year, fixed at such amount that when the total annual interest is added thereto the amount to be paid each year shall be as nearly equal and uniform as possible. Such tax may be levied and extended upon the assessment roll at any time prior to the final collection of the taxes for that particular year. If the authority herein authorized to levy and assess such tax should fail, neglect or refuse to do so before the completion of the assessment rolls, the Auditor of Public Accounts shall be authorized and it shall be his duty to name the rate of such tax and order same extended upon the assessment rolls and collected.

139-b. (Maturity of Bonds Must be Fixed, S. 28, A. 256, '10.)

Whenever a debt has been authorized to be incurred, the governing authority issuing bonds to evidence such debt shall fix a time certain at which the bonds shall begin to mature, which shall not be longer than five years from the date of said bonds. After fixing such date, then the governing authorities shall fix the denomination of the bonds due each year thereafter for an amount that when the annual interest is added thereto the total amount to be paid, including principal and interest, each year shall be as nearly equal as practicable.

140. (Bonds Shall be Registered by Secretary of State, S. 31, A. 256, '10.)

All bonds issued by any of the subdivisions of the State as herein defined, shall, after the time has elapsed in which the validity of such bonds can be contested, to-wit, sixty days from the date of the promulgation of the result of the election, incurring the debt and ordering the issuing of such bonds, be registered by the Secretary of State and shall have endorsed thereon the words: "This bond secured by a tax. Registered on this the _____ day of _____, 19—," and signed by the Secretary of State with the Great Seal of Louisiana affixed.

140-a. (Election Officers Vested With Same Authority as in General Elections, S. 32, A. 256, '10.)

The commissioners and clerks of elections held under the provisions of this Act shall have the same powers and duties in conducting said elections and in preserving order at the polls, as are conferred and imposed upon such officers under the general election laws of this State; and that whatever is declared in the general election laws to be a felony, other crime, or misdemeanor, shall be such for any election held under the provisions of this Act, and shall be punished in the same manner; that any willful failure or neglect to comply with the requirements of this Act or any willful violation of same, by any officer, agent, or employee, of any subdivision herein defined, availing itself of the provisions of this Act, shall be a crime and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment not exceeding one year, with or without hard labor, or by both such fine or imprisonment, at the discretion of the court.

141. (All Special Tax Elections Hereafter, Governed by This Act, S. 33, A. 256, '10.)

Nothing in this Act shall be held or construed to invalidate, or render illegal the acts, proceedings, elections, taxes, debts, bonds, ordinances, resolutions, bids, agreements, contracts or obligations, done, had, held, levied, authorized to be levied, incurred, authorized to be incurred, issued, authorized to be issued, adopted, accepted, or entered into, pursuant to any article of the Constitution, by any subdivision herein named (the City of New Orleans excepted) prior to the passage of this Act; that any provision in the charter of any municipal corporation of this State (the City of New Orleans excepted) in conflict with the provisions of this Act for the immediate submission of the proposition herein specified to the property taxpayers of said corporation in an election ordered by same under this Act and for the immediate levy of said tax when duly authorized, be and the same, insofar as it is in conflict therewith, is hereby repealed.

141-a. (Inheritance Tax; How Paid and Distributed, S. 3, A. 45, '04.)

In all cases where the inheritance tax appears to be due, it shall be the duty of the administrator, executor, or other officer in charge of the succession, or of the heir to pay over to the Tax Collector of the parish where the succession is opened the full amount of said inheritance tax and to present the receipt to the judge before obtaining a discharge or of being put in possession of the estate; the surety on the bond of the administrator, executor or other officer in charge of the estate shall be liable *in solido* with the officer for the full amount of the inheritance tax; such taxes shall be distributed to the several parishes in accordance with Article 248 of the Constitution.

(NOTE.—All Inheritance taxes shall be remitted to the State Treasurer, who shall credit same to Current School Fund.)

141-b. (Duty of Parish Superintendent and Parish School Board, S. 4, A. 45, '04.)

It shall be the duty of the parish superintendent and of the president of the school board of the City of New Orleans to see that this Act be carried out, and that the full amount of the inheritance tax be duly collected, and it shall be the duty

of the District Attorney for the various parishes throughout the State, when called upon by the parish superintendent or the president of the school board in the Parish of Orleans to take proceedings to enforce the provisions of this Act.

142. (Inheritance Tax in Favor of Public Schools, A. 109, '06.)

There is now and shall hereafter be levied, solely for the support of the public schools, on all inheritances, legacies and other donations *mortis causa* to or in favor of the direct descendants or ascendants of the decedent, a tax of two per centum, and on all such inheritances or dispositions to or in favor of the collateral relatives of the deceased, or strangers, a tax of five per centum on the amount of the actual cash value thereof at the time of the death of the decedent.

143. (When Not to be Imposed.)

Section 2. Said tax shall not be imposed in the following cases:

a. On any inheritance, legacy or other donation *mortis causa* to or in favor of any ascendant or descendant of the decedent below ten thousand dollars in amount or value.

b. On any legacy or other donation *mortis causa* to or in favor of any educational, religious or charitable institution.

c. When the property inherited, bequeathed or donated shall have borne its just proportion of taxes prior to the time of such donation, bequest or inheritance.

144. (Manner of Taking Possession of Succession.)

Section 3. It shall be unlawful for any heir, legatee or other beneficiary of a donation *mortis causa* to take or be in possession of any part of the things or property composing the inheritance, legacy or other donation *mortis causa*, or to dispose of the same or any part thereof, until he shall have obtained the authority of the court to that effect, as hereafter provided; and in case he shall so take or be in possession or shall so dispose of such things or property, or any part thereof, he shall no longer have the right of renouncing such inheritance or donation *mortis causa*, and shall remain personally liable for the tax thereon; but he may, without waiting for authority do such acts as may seem necessary to preserve the property from waste, damage or loss.

144-a. (Duty of Executor.)

Section 4. The executor of the will of a person deceased, or the administrator of his succession, shall, after payment of his debts, proceed against the tax collector and all the heirs and legatees of the deceased summarily, by rule before the court which has jurisdiction of the succession, to fix the amount of tax due by each heir or legatee, and on trial thereof the court shall render judgment for the same against each heir or legatee, with interest and costs, as hereinafter provided.

145. (Amount of Taxes to be Deducted by Executor.)

Section 5. The executor or administrator shall thereupon pay to the tax collector the amount of tax, with interest and costs, so fixed, on each inheritance, legacy or donation, out of the funds comprised therein, if sufficient. Should there not be sufficient funds, the court shall, on the application of the heir or legatee, grant an order for the sale of the property composing such inheritance, legacy or donation, or so much thereof as may be necessary, for the purpose of paying such judgment. If the same be not paid by the heir or legatee, or an order of sale be not granted, as above provided within thirty days after the date of the judgment, the court shall, on the application of the executor or administrator, grant an order of sale for the said purpose, as above provided, and the executor or administrator shall pay the said judgment out of the proceeds of the sale.

Such sale shall be made in such manner, and on such terms and conditions as the court shall prescribe, and the expense thereof shall be borne by the heir or legatee.

146. (Duty of Executor.)

Section 6. No executor or administrator shall deliver any inheritance or legacy until the tax thereon shall be fixed and paid, as herein provided; otherwise he, together with his surety, shall be personally liable for said tax, with interest and cost. And no executor or administrator shall be discharged until it is shown that all taxes under this Act, due by the heirs and legatees, have been paid, or until it is judicially determined by the process herein provided that no tax is due.

147. (Duty of Legal Heir.)

Section 7. In all cases in which an administration is not ordered by the court, the legal or instituted heir, or universal or residuary legatee, shall within six months after the death of the decedent, or, should there be a will, within the same time after the discovery of the same, present to the court a detailed descriptive list, sworn to and subscribed by him, of all items of property contained in and composing the estate of the decedent, and therein shall state the actual cash value of each such item at the time of the death of the decedent, and service thereof shall be made on the tax collector who shall have the right to traverse the same. Should the deceased have made special or particular legacies or donations *mortis causa*, the legatee shall also be served, and after summarily hearing the parties the court shall fix the amount of tax due as aforesaid by each such heir or legatee, and shall render judgment therefor, with interest and costs, against each of them.

148. (Amount of Tax to be Deducted.)

Section 8. In the same manner as provided in Section 5, the heir or universal or residuary legatee shall thereupon pay or take measures for the payment of the tax due on all special or particular legacies or donations.

149. (Property May be Sold to Pay Taxes.)

Section 9. The heir or universal or residuary legatee may likewise obtain an order for the sale of the property of his inheritance or legacy, or part thereof, for the purpose of paying the tax thereon. But if such tax be not paid, or such order of sale be not made within thirty days after the date of the judgment fixing the amount of the tax, a similar order for the same purpose shall be granted on the application of the tax collector, and thereunder any property forming part of the inheritance or legacy may be sold, and the proceeds thereof shall be applied to the payment of the tax with interest and costs.

150. (Duty of Heir to See That Tax is Paid.)

Section 10. The heir or residuary or universal legatee shall not deliver any legacy until the tax thereon shall have been fixed and paid; otherwise he shall be personally liable for the said tax, with interest and costs.

151. (Search for Will; When Made.)

Section 11. If during the six months next following the death of any person leaving property, movable or immovable, within this State, an administration of his succession be not applied for, or his legal or instituted heir or universal or residuary legatee do not apply to the court to be placed in possession thereof, as herein provided, the court shall ex parte and on the application of the tax collector grant an order directing that a search be made for the will of the deceased by a notary public, and in aid of the same may order that all persons having in their possession or control any books, papers or documents of the deceased, or any bank-box, safe deposit vault or other receptacle likely or designed to contain the same, shall open such receptacle and exhibit the contents thereof, as well as all other books, papers and documents of the deceased, to the said notary.

152. (Court May Appoint Executor.)

Section 12. Should the said notary find any document appearing to be the will of the deceased, he shall take possession of the same and produce it in court; and on application of the tax collector, or of any party in interest, the court shall proceed to the probate thereof, as now provided by law. If an executor be therein appointed, the person named shall be notified, and if he do not within ten days after notification accept the appointment, and if within the ten days next following this delay no person entitled to be appointed dative testamentary executor shall apply for the appointment, then the Public Administrator in the Parish of Orleans, and in the other parishes the tax collector, shall be appointed dative testamentary executor of the said decedent, and the administration of his succession shall proceed as herein directed and according to existing law.

153. (Procedure Where No Will is Found.)

Section 13. If the notary can find no will, he shall report the fact to the court; and thereupon the tax collector shall proceed against the legal heir or heirs of the deceased summarily by rule to fix the amount of tax due by him or them, and each of the heirs shall be ordered, within a delay to be fixed by the court, which may be extended from time to time in the discretion of the court, to make and file a detailed descriptive list,

sworn to and subscribed by him, of all the items of property contained in and composing the estate of the decedent, stating therein the actual cash value of each such item at the time of the death of the decedent, and the tax collector shall have a right to traverse the same. On trial of the rule the court shall fix the amount of tax due by each of the heirs, and shall render judgment for the same against each of them, and in such case, as well as in the cases mentioned in Section 12, shall include in the costs payable by the heir or legatee a fee of not more than ten per cent. on the amount of tax due by each heir or legatee in favor of the attorney for the tax collector. In the same manner and under the same conditions as provided in Sections 5 and 9 of this Act, such heirs or legatees shall have the right to procure the sale of their inheritances or legacies for the purpose of paying the tax due thereon, with interest, costs and attorneys fees; and if payment thereof be not made by the heir or legatee, or if an order of sale, as above provided, be not granted, within thirty days after the date of the judgment, the tax collector shall be entitled to a similar order, and thereunder any property forming part of the inheritance or legacy may be sold.

154. (Any Heir May Institute Proceedings and Receive Fee.)

Section 14. Should there be more than one legal or instituted heir or universal or residuary legatee any one of them may institute the proceedings provided by this Act, and the others shall be made parties thereto and such heir shall be entitled to recover out of the mass of the succession one reasonable attorney's fee, besides his costs.

155. (Rights of Creditors Preserved.)

Section 15. Nothing contained in this Act shall affect the rights of creditors of persons deceased or the rights of the creditors of the heirs or legatees of such persons, as established by the general law.

156. (Legacy Indivisible.)

Section 16. Each inheritance or legacy is indivisible, and must be accepted or renounced for the whole; and the heir or legatee shall not be entitled to be placed in possession of the same, and shall be without right or capacity to alienate any

part thereof, until the tax on the whole shall have been fixed and paid, or until it shall have been judicially determined, in the manner herein provided, that no part of the same is subject to the tax imposed by this Act.

157. (Prohibiting Delivery of Effects Before Tax is Paid.)

Section 17. No bank, banker, trust company, warehouseman, or other depository and no person or corporation or partnership having on deposit or in possession or control any moneys, credits, goods or other things or rights of value for a person deceased, or in which he had any interest, and no corporation the stock or registered bonds of which are owned by a person deceased shall deliver or transfer such moneys, credits, stock, bonds, or other things or rights of value to any heir or legatee of such deceased person, unless the tax due thereon under this Act shall have been paid, or unless it be judicially determined in the manner herein prescribed that no tax is due by such heir or legatee. Otherwise the person or corporation so making delivery or transfer shall be liable for the said tax. But the order of a court of competent jurisdiction, directing such delivery or transfer, shall be full authority for the same.

158. (Burden of Proof.)

Section 18. The burden of proving facts establishing exemption from the tax imposed by this Act is upon the person claiming exemption.

159. (Jurisdiction.)

Section 19. The District Court of the last domicile of the deceased, and in the Parish of Orleans the Civil District Court, shall have original jurisdiction to hear and determine all the proceedings provided by this Act. In the case of a non-resident decedent, the District Court, or Civil District Court, of any parish in which he left property, movable or immovable, shall exercise such jurisdiction, and the court in which such proceedings shall be first begun shall have exclusive original jurisdiction thereof.

160. (Unknown Heirs.)

Section 20. Non-residents and unknown heirs and legatees, and those whose whereabouts are unknown, shall be represented

by curator *ad hoc* appointed by the court, and all notices, citations and demands prescribed by this Act shall be served on such officers. Though there be in any case more than one unknown or absent heir or legatee, all may be represented by the same curator.

161. (Commissions of Tax Collectors.)

Section 21. The tax collector spoken of and intended by this Act is the Sheriff and ex-officio Tax Collector of the parish in which was the last residence of the decedent, or in which is situated property of a non-resident decedent, and in the Parish of Orleans the Clerk of the Civil District Court. They shall receive a commission of two per cent on their collections of taxes under this Act.

162. (Compensation of Attorneys.)

Section 22. In and for the Parish of Orleans the Governor shall appoint by and with the advice and consent of the Senate, for a term of four years, an attorney at law, whose duty it shall be to advise, assist and represent the Clerk of the Civil District Court in the enforcement of this Act. For his services, except as provided in Sections 12 and 13, he shall receive a fee of four per cent. on all taxes collected hereunder, payable out of the same before transmission to the Treasury. In all other parishes of the State the said duties shall be performed by the attorneys appointed under existing law to assist the tax collectors in the collection of delinquent licenses, and the compensation of such attorney shall be as above provided.

163. (Method of Fixing Value of Annuity.)

Section 23. In fixing the value of any legacy or donation *mortis causa* which consists in whole or in part of an annuity or usufruct or right of use or habitation, the court shall consider the expectancy of life of the legatee or donee according to the table known as the American Experience Table of Mortality, at six per cent. per annum compound interest.

164. (Delinquent Penalty.)

Section 24. Taxes hereby levied shall bear interest at the rate of two per cent per month, beginning six months after the death of the decedent; saving to any heir, legatee, or donee the right to stop the running of interest against him by paying the

amount of his tax with accrued interest, or by tendering the same to the tax collector in the manner prescribed by the general law; provided, however, that in cases in which the settlement of the succession is not unduly delayed, or in which the right of any party to receive an inheritance or legacy is contested, and in all cases in which the failure to pay tax on any legacy or inheritance within the period aforesaid is not imputable to the laches of the heir or legatee, the court may, in its discretion, remit such interest.

165. (Costs to be Borne by the Succession.)

Section 25. The costs of all the proceedings under this Act shall be borne by the mass of the succession; provided, that in cases in which it seems to him equitable to do so the judge shall have the power to apportion the costs among the several parties, or allow any party to retain his costs out of any sum found to be due by him for tax hereunder. Provided, the provisions of this Act shall affect all successions not finally closed, or in which the final account has not been filed.

166. (Assessing the Poll Tax, S. 1, A. 89, '88.)

The Tax Assessors throughout the State be and they are hereby required to render to the School Boards of their respective parishes, annually, by the first Saturday of October, a complete schedule list, by wards, of all persons liable to pay poll tax in their respective parishes. If any Assessor fails to comply with the requirements of this Act, the failure shall be cause for removal; besides, he shall be subject to a fine of \$250, for the benefit of the public schools in the parish in which the delinquent officer resides, and in which he is the Assessor. In the City of New Orleans the Board of Assessors shall comply with the requirement of this Act, and in the event of failure, shall be subject to dismissal and penalty as before provided. (See Arts. 231 and 252, Constitution of 1898).

167. (Returns of Collections, S. 2, A. 89, '88.)

The Sheriffs and Tax Collectors in their respective parishes shall return, by the first Saturday of February, of each and every year, to the School Boards of their respective parishes, a list predicated upon the list mentioned by wards, showing all persons in the parishes, respectively, who have paid their poll tax, as well

as persons who have not paid the same, and shall return their reasons in writing and under oath, the cause in each instance of the non-payment of a poll tax, and why they have not collected the tax not collected.

168. (Penalties, S. 3, A. 89, '88.)

If the said Sheriff or Tax Collector fails to show cause why the said poll tax has not been collected, he shall be responsible for and shall pay the poll taxes he has failed to collect, and shall be held liable with his securities on his official bond for the payment of said tax.

169. (Rules for Non-Compliance, S. 4, A. 89, '88.)

The Sheriff can be made to show cause why the said poll tax has not been collected, at chambers, before the district judge, after service of rule and three days have elapsed after service.

170. (Receipt for the Poll Tax, S. 1, A. 87, '86.)

Before any persons serving as jurors or witnesses in criminal cases shall receive the compensation to which they are entitled for their mileage and per diem, they shall exhibit to the clerk of the court a receipt for the poll tax or taxes due by them.

171. (Deduction of Witnesses' and Jurors' Compensation, for Poll Tax, S. 2, A. 87, '86.)

On their failure to produce such receipt the clerk of court or other officer, issuing certificates or warrants for their mileage and per diem, shall issue certificates or warrants for amounts less the poll tax due, and shall issue the certificate or warrants for amounts so reserved for poll tax, to the treasurer of the school board of the parish, who shall collect same.

172. (Report by the Clerk of Court, S. 3, A. 87, '86.)

The clerk of court or other officer, issuing such certificates or warrants, shall report to the tax collector of the parish the names of all persons from whom he has reserved amounts for poll tax, and the tax collector shall give such person credit for such poll tax.

NOTE.—The custom of some tax collectors of claiming and collecting commissions for the retention of polls by the Clerk of Court is without foundation in law, as the tax collector in no sense collects the tax and is entitled to no commission thereon.

173. (Poll Tax Collections of Orleans, S. 1, A. 56, '94.)

The collection of poll taxes in the Parish of Orleans, together with all the processes, commissions and obligations incident thereto as now provided by law, are vested in the treasurer of the City of New Orleans.

174. (Election on Sale of School Lands, S. 2958, R. S.)

It shall be the duty of the parish treasurers of the several parishes in this State to have taken the sense of the inhabitants of the township, to which they may belong, any lands heretofore reserved and appropriated by Congress for the use of schools, whether or not the same shall be sold, and the proceeds invested as authorized by an Act of Congress, approved February 15, 1843. * * * Polls shall be opened and held in each township after advertisement, for thirty days, at three of the most public places in the town, and at the courthouse door, and the sense of the legal voters therein shall be taken within the usual hours, and in the usual manner of holding elections, which elections shall be held and votes received by a member of the parish school board or a justice of the peace; and if a majority of the legal voters be in favor of selling the school lands therein, the same may be sold, but not otherwise. The result of all such elections shall be transmitted to the parish treasurer, and by him to the State Superintendent.

175. (Survey, S. 2959, R. S.)

Before making sale of the school lands belonging to the State, it shall be the duty of the parish treasurer, or other persons whose duty it may become to superintend the sales, to cause a resurvey of such lines as from any cause may have become obliterated or uncertain; and for this purpose he is authorized to employ the parish surveyor, or on his default, any competent surveyor; and the lines thus surveyed shall be marked in such manner as to enable those interested to make a thorough examination before sale, and all advertisements made for the sale of such lands shall contain a full description thereof according to the original survey and that required by this section. The expenses of the survey shall be paid by the Auditor of Public Accounts out of the proceeds of the sale of the lands on the warrants of the parish treasurer.

NOTE.—The State is the trustee of these lands or of the proceeds of their sale for the use of the inhabitants of the township in which they are located—*vide*, Board of School Directors vs. Ober, 32 A. 419.

175-a. (Rights of Way May be Granted to the United States by the School Boards, A. 14, '08.)

The Parish Board of School Directors of any parish within the State shall have authority by resolution duly passed by said board, when in its judgment it is to the manifest interest of the public in general, and in order to facilitate the construction, maintenance and operation of canals, or a portion of a canal, or branch of any canal, constructed by or under the authority of the United States for the purpose of transportation or for purposes of extension or improvement of the public waterways, to donate to the United States of America rights of way over and across any of the lands belonging to the public schools located within the parish in which said board is constituted or organized, which grant or donation may be made without any previous advertisement thereof, when authorized by a resolution of said board to sign an act of conveyance evidencing such grant or donation; provided, however, that the said Parish Boards of School Directors shall in every case reserve the right to control, occupy and use any part of said rights of way not actually needed by the United States in the manner and to the same extent as before conveying said rights of way, and also the right to transfer, lease, quit-claim, or otherwise dispose of the said rights of way and every part thereof, subject to the grant made to the United States.

176. (Sale on the Order of the Auditor, S. 2960, R. S.)

If the majority of the votes taken in a township shall give their assent to the sale of the lands aforesaid, the parish treasurer shall forthwith notify the Auditor of Public Accounts of the vote thus taken, and upon his order the said lands shall be sold by the parish treasurer, at public auction, before the courthouse door, by the sheriff or an auctioneer to be employed by the treasurer at his expense, to the highest bidder, in quantities not less than 40 acres, nor more than 160, after having been previously appraised by three sworn appraisers, selected by the parish treasurer and recorder of the parish, after thirty (30) days advertisement, but in no case at a less sum than the appraised value, payable on a credit of ten years, as follows: ten per cent in cash and the balance in nine annual installments, the interest to be paid on the whole amount, annually, at the rate of eight per cent per annum; the notes shall be made payable to the

Auditor of Public Accounts, secured by special mortgage on the land sold, and personal security *in solido*, until final payment of principal and interest; in event of the purchaser neglecting or refusing to pay any of these installments or interest at maturity, the mortgage shall be forthwith closed, and the parish treasurer is hereby authorized to advertise and sell the land as before provided for, and further authorized and required to execute all acts of sale on behalf of the State for any such lands sold, to receive the cash payment and notes given for the purchase, which shall be made payable to the State Treasurer, and to place the same in the office of the Auditor of Public Accounts for collection; all cash received, either for principal or interest, from said sales shall be transmitted by him to the State Treasurer, and any moneys thus received into the State Treasury from sales aforesaid shall bear interest at the rate of four per cent per annum, and be credited to the township to which the same belongs according to the provisions of the Act of Congress. The parish treasurer shall forthwith notify the State Superintendent of the results of all sales made by him. The parish treasurer shall be authorized to receive the whole amount bid for the lands, deducting the eight per cent interest which the credits will bear. (See Supreme Court decision as to price, etc.)

NOTE.—The above Act has been amended by A. 57 of '84, changing 6 per cent to 4 per cent.

177. (Sale of Uninhabitable Lands, S. 1, A. 168, '94.)

All sixteenth section lands located in a township not habitable by reason of the land being swamp or sea marsh, the school board of the parish in which such lands are located may present an application for sale of such sixteenth section land to the Auditor of Public Accounts, in which they shall set forth the location of the township, its character and the reason upon which a sale is desired, and upon receipt of such application duly signed by the president and secretary thereof, the Auditor may authorize the sale, if in his judgment a sale should be made.

178. (Sale Conducted in the Same Manner as Others, S. 2, A. 168, '94.)

In case a sale is ordered as provided for in Section 1 of this Act, the parish treasurer shall make such sale in the same manner, and upon the terms and conditions as is now provided by law, for the sale of sixteenth section lands; provided this Act shall not apply to sixteenth sections now leased to parties for a term of years.

179. (Sale of Sections Divided by Parish Lines, A. 147, '57.)

When the sixteenth section of any township is divided by a parish line, the treasurer of the parish in which a greater portion of the section may lie, shall proceed to take the sense of the people of the township, and to sell the same as provided by law, as if the whole section lay in his parish; provided, that the same shall be advertised at the courthouses of both parishes.

180. (Treasurer's Commission, A. 33, '59.)

Parish treasurers of the several parishes shall be entitled to retain out of the proceeds of the sale of sixteenth sections effected by them a percentage of two and one-half on the amount of said sales, to be deducted from the cash payment, and the same shall be in full compensation of their services.

181. (Proceeds of Lands Accruing to Townships, S. 2963, R. S.)

All moneys that have been or may hereafter be received into the State Treasury, and the interest that has or may accrue thereon from the sale of sixteenth sections of school lands or the school land warrants belonging to the various townships in the State, shall be placed to the credit of the township, and should the people of any township desire to receive for the use of the schools therein, the annual interest payable by the State on funds deposited to their credit, or the annual proceeds of the loans, the parish treasurer shall, on the petition of five legal voters in any such township, order an election to be held in the township, as provided for the sale of township lands; and if a majority of any number of votes above seven be in favor of receiving annually the accruing interest as aforesaid, the same shall be paid to the treasurer of the parish for the use of the township or district; otherwise the interest shall be an accumulating fund to their credit until called for.

182. (Mode of Annulling Sales, S. 2965, R. S.)

In all cases of the sale of the school lands known as sixteenth sections, heretofore made, where the purchase money has not been paid, the purchaser or purchasers shall have the right to annul the sale upon application to the district court of the parish where the land is situated; provided, that the judgment of nullity shall be obtained at the cost of the applicant and contradictorily with the district attorney, in conjunction with the school directors of the district in which said land is situated,

who shall be made a party defendant in such suit; provided, also, that it shall appear upon the hearing that the value of the land has not been impaired by any act of the purchaser; and provided further, that nothing in this Act shall be so construed as to entitle the said purchaser to repayment of any part of the purchase money already paid.

183. (Auditor's Duty in the Collection of Notes, S. 1, A. 57, '84.)

It shall be the duty of the Auditor of Public Accounts, immediately on the passage of this Act, to forward for collection to the treasurer of the school board in their respective parishes throughout the State, all the notes given for the purchase price of sixteenth sections, or any part thereof, known as free school lands, whenever any installment of said purchase price has become due or may become due, and it shall be the duty of said treasurer of the parish school board to receive and receipt for same.

184. (School Board Treasurer's Duty in the Collection of Notes, S. 2, A. 57, '84.)

It shall be the duty of the treasurer of the parish school board, on receipt of the notes due and given for said sixteenth sections, to immediately notify the principal and his sureties, in writing, of the amount of said note, principal and interest, due and unpaid; provided, said lands for which said notes were given are still in possession of the original purchaser, and if in the possession of other parties, such possessor shall also be likewise notified of all the demands principal and interest, against said lands, and if all the demands against the same be not satisfied within thirty days from said notice, it shall be the duty of the treasurer of the parish school board to turn over said notes to the district attorney for said district, or other attorney selected by the school board, for suit; and provided further, that said notice shall serve as a bar to prescription, which shall only begin to run from the service of said notice.

185. (Attorney's Duty in the Collection of Notes, S. 3, A. 57, '84.)

It shall be the duty of said attorney to proceed without delay, by all necessary legal processes, and without depositing clerk's or sheriff's costs, or giving security therefor, to collect all such notes as may be turned over to him by said treasurer of the parish school board, and given for sixteenth sections,

known as free school lands, and if any of the conservatory writs should be found to be necessary in order to aid in said collection, it shall be lawful to issue the same, without giving bond as required in other cases.

186. (Attorney's Compensation, S. 4, A. 57, '84.)

The said attorney shall receive ten per cent of all moneys collected by him on notes given for sixteenth sections, and after deducting said ten per cent he shall turn over the remainder to the treasurer of the school fund for the parish in which the lands are situated, and the same shall be transmitted through the Auditor of Accounts, by said treasurer, to the State Treasurer; and any moneys thus received into the State Treasury from said collections shall bear interest at the rate of four per cent per annum, and be credited to the township to which the same belongs, according to the provisions of the Act of Congress.

187. (When Scrip May Issue, S. 2952, R. S.)

When such locations cannot be made, if deemed more advantageous to the State, the Register, with the assent of the Federal Government, is authorized to issue scrip for such lands, which scrip shall not be sold for a less amount than one dollar and twenty-five cents per acre.

188. (Duty of the Auditor in Fixing Capital Due the Townships, A. 96, '86.)

It shall be the duty of the Auditor of Public Accounts, by the 1st day of January, 1887, to ascertain the amount of capital that may be due the several townships from the proceeds of the sales of sixteenth sections, made since the 1st of January, 1880, and actually paid into the State Treasury. The amount thus ascertained shall be the capital upon which interest shall thereafter be allowed and paid out of the interest collected on the said bonds to the townships, the sixteenth sections of which have been sold since the 1st of January, 1880, and the proceeds actually paid into the State Treasury, and the proceeds so paid invested as required by law.

In calculating the interest due the several townships, no interest shall be allowed for fractions of the year during which the receipts shall have come into the treasury; but it shall commence at the beginning of the first of January of the next year.

The interest due upon the capital ascertained as aforesaid, and the interest due upon subsequent sales, shall be paid to the township in the manner now provided for by law. It shall be the duty of the Auditor to furnish the Treasurer and Superintendent of Public Education with a statement of the amount due each township.

188-a. (Lake Beds Sold for Account of Schools, A. 124, '02.)

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all islands, other than sea marsh islands, belonging to the State, as well as all other lands of the State, not the property of any levee district, nor within the limits of any levee district, which were formerly the beds of lakes, or other bodies of water, whether navigable or unnavigable, which are now, or may hereafter become dry in whole or in part by reason of the recession therefrom of the waters which formerly covered the same, be and the same are hereby declared to be open to entry and sale for account of the State for school purposes as hereinafter provided.

188-b. (Proceeds of Sale of All Such Lands to be Placed to the Credit of General School Fund, A. 124, '02.)

Section 7. Be it further enacted, etc., That the proceeds arising from the sales of said lands shall, when paid into the hands of the State Treasurer, be placed by him to the credit of the General School Fund of the State for the benefit of the public schools of the State as now provided by law; provided that in addition to the price paid the Treasurer the purchaser of any of the lands described in this Act shall pay to the Register the fees allowed by law.

189. (Duty of School Board When Vote is Against Sale of Lands, S. 1, A. 54, '10, amending A. 129, '08, amending S. 2962 of the Revised Statutes.)

Should a majority of the legal voters be against the sale of the lands, then it shall be the duty of the parish board of school directors of the parish in which said lands are located to secure them from injury and waste and to prevent illegal possession or aggression of any kind and to lease the same, or any part thereof, according to the provisions of the Act of Congress aforesaid as amended by Act of Congress approved June 12th, 1884, and to inform the State Superintendent thereof.

189-a. (Advertising Lease; Security Required.)

Such lease shall only be made after due notice shall have been given by advertisement, for at least thirty days, in the official journal of the parish, or in any paper published regularly in the parish containing the land to be leased, of the time and place where the land will be offered for lease to the highest bidder. In all cases ample security shall be required, not only for the punctual payment of the rent but for the protection of the lands from all kinds of waste and injury. Said parish board of school directors shall have the right to reject any and all bids offered for said lease, if in its judgment the bids do not reach a just and fair value of the lease.

189-b. (Manner of Holding Elections on Sale of Timber; Lease of Oil and Mineral Rights.)

The Parish Board of School Directors shall have the authority, when in its judgment it is to the best interest of the schools of a township, to take the sense of the legal voters residing in such township relative to the sale of the timber on sixteenth section school lands situated therein or the lease or sale of oil and mineral rights on such land. Said vote shall be taken under the direction of said board, who shall give thirty days' notice thereof in the parish journal, or in any paper regularly published in the parish, setting forth the time and place of the election to be held. The said board shall appoint one of its members to conduct the election, who shall hold open the polls and allow votes to be cast within the usual hours and in the usual manner of holding elections.

189-c. (Affirmative Vote to be Reported to State Superintendent and Auditor of Public Accounts.)

If a majority of the votes cast are in favor of the sale of the timber, or the lease or sale of oil and mineral rights, the Parish Board of School Directors shall at once report the result of the election to the State Superintendent of Public Education and to the State Auditor of Public Accounts, and upon the order of the State Auditor the said board shall proceed to sell the timber or lease or sell the oil and mineral rights, either or both, as the case may be, under the same formalities and requirements as provided for the lease of sixteenth section school lands hereinabove set forth.

189-d. (Notes Made Payable to Auditor of Public Accounts, Secured by at Least Two Solvent Sureties In Solido.)

In all cases where a sale of timber or of oil and mineral rights is made under the provisions of this Act and deferred payments are allowed, the notes representing such deferred payments shall be made payable to the order of the Auditor of Public Accounts, and their punctual payment shall be secured by at least two good and solvent sureties who shall be liable "in solido."

189-e. (Funds Accruing From Lease of Lands, Sale of Timber and Mineral and Oil Rights Credited to Current Fund of Parish.)

In all cases of the lease of sixteenth section school lands, or of the sale of the timber thereon or of the lease or sale of oil and the mineral rights thereof, the cash payment after deducting sufficient amount to cover the actual expenses incurred by the said election and making the said lease or sale, shall be credited to the account of the current school fund of the parish where the sixteenth section school lands are located, and notes representing deferred payments shall be placed in the hands of the parish school treasurer for collection, and when collected also credited to the current school fund of said parish, to be used for general school purposes.

189-f. (Leases or Sales of Timber, Oil and Mineral Rights Expire Automatically After Ten Years.)

In all cases where a sale of timber or the lease of or sale of the oil and mineral rights is made under the provisions of this Act, the purchaser thereof or his vendees, or the lessee, shall be allowed a period of not more than ten years in which to remove the timber or to utilize the oil and mineral rights.

190. (Trespass on Sixteenth Section, S. 1, A. 14, '82.)

Whoever shall cut down, or remove for sale for his own use, or the use of another, any timber on any free school land in this State, belonging to the State, known as sixteenth sections, shall be deemed guilty of a misdemeanor, and upon conviction shall be condemned to pay a fine of not less than fifty nor more than one thousand dollars, and, in default of the same, be sentenced to imprisonment not less than ten days nor more than one year.

191. (Same, S. 2, A. 14, '82.)

Whoever shall knowingly use, cultivate or inclose any free school land, known as sixteenth section, without authority from the parish board of school directors, shall on conviction be condemned to pay a fine of not less than fifty nor more than one thousand dollars, and in default of the same be sentenced to imprisonment for not less than ten days nor more than one year.

191-a. (School Boards Authorized to Sue for Recovery of Damages and Trespass on Sixteenth Sections, S. 1, A. 158, '10.)

The several school boards of the various parishes of the State be and they are hereby authorized and empowered to contract with and employ on the part of the State of Louisiana, attorneys at law, to recover for the State, damages for trespass to the sixteenth section known as school lands the title to which is still in the State, each of said Boards to have authority to make said contracts for the lands situated in its own parish and no others; and the several school boards shall also have authority to sue for and recover the sixteenth section known as school lands.

191-b. (Compensation of District Attorney and Other Attorneys, S. 2, A. 158, '10.)

The attorney or attorneys thus employed shall work in conjunction with the district attorney for the parish in which the land is situated; that the compensation of the district attorneys shall remain as now fixed by law; that the compensation of the other attorney or attorneys employed shall be fixed by contract between the respective school boards and the attorney or attorneys employed, and shall in each case be a contingent fee, conditioned upon recovery; shall in each case be a fixed percentage of the amount recovered, and shall in no case exceed twenty-five percentage of the amount recovered; provided that if more than one attorney is thus employed for the same cause, the same fee shall be paid to the whole number of attorneys, as if only one had been employed.

191-c. (Manner of Bringing Suits, S. 3, A. 158, '10.)

Suit in all such cases shall be brought in the name of the State of Louisiana, and the attorneys employed as aforesaid, shall sue for the value of all timber cut and removed from any such lands, as well as any and all other legal damages caused by any such trespass.

191-d. (Authority Applies to Sixteenth Sections Illegally Acquired.)

The authority given by this Act shall apply to all sixteenth sections donated by Congress to this State in trust for public school purposes, and to which the State has never legally parted with the title; and the suits herein authorized may be brought against those who claimed the right to cut and remove timber from any such lands, under color of title.

191-e. (Residue of Amounts Recovered to be Paid Into State Treasury.)

Each and every amount recovered for the State as herein provided shall, after deducting and paying the attorney's fees as herein provided, and all other lawful costs and charges, be paid into the State Treasury, to be kept on the books of the Auditor and Treasurer, to the credit of the township in which the land is situated, in the same manner as now provided by law for the proceeds of the sale of such sixteenth sections.

192. (To Provide for the Sale of School Indemnity Lands, A. 217, '02.)

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all lands now owned by, or which may hereafter inure to the State from the United States Government as indemnity for school lands, shall be disposed of as hereinafter provided.

193. Section 2. Be it further enacted, etc., That the Register of the Land Office shall cause to be advertised for sale at public auction for thirty clear days, a list of the lands to be sold, which have not already been advertised, the publication to be made in a newspaper published in the parish where the land to be sold is situated, and no land to be sold shall be advertised in any paper published outside of the parish where the same is situated.

194. Section 3. Be it further enacted, etc., That the Register shall adjudicate said lands at public auction to the last and highest bidder at his office and in case the land so offered for sale fails to bring at auction the price of two dollars and fifty cents (\$2.50) per acre the same shall be withdrawn and shall be thereafter sold by him at private sale for two dollars and fifty cents per acre..

195. Section 4. Be it further enacted, etc., That the Register shall not issue a patent to the purchaser of said land until he shall have paid into the hands of the State Treasurer the purchase price of said lands.

196. Section 5. Be it further enacted, etc., That in addition to the purchase price paid for said lands, the purchaser thereof shall pay to the Register the same fees, as in other cases where a patent is issued, and out of the purchase price so paid, the Treasurer of the State shall pay the cost of advertising said property and place the balance thereof to the credit of the various school boards entitled to receive same

197. Section 6. Be it further enacted, etc., That the provisions of this Act shall not refer nor apply to applications for the entry and sale of school indemnity lands which may be pending in the State Land Office at the time of the passage of this Act.

198. Section 7. Be it further enacted, etc., That all laws and parts of laws in conflict with or inconsistent with this Act be and the same are hereby repealed.

199. (Sale Which Can be Made by the Land Register, A. 315, '55.)

It shall be lawful for the Register of the State Land Office to sell, at the price stipulated by law, to any board of free school district directors of this State, any amount, not less than five acres, of any land within their school district, donated by Congress to this State, either for the use of a seminary of learning, or for the purpose of internal improvement, on which to erect a schoolhouse.

200. (How Located, S. 2947, R. S.)

Any land so sold shall commence in the corner of a legal division or sub-division of sections; and if in a right angle, it shall be run an equal distance on two sides, bounded by the line of such division, and form a square including the number of acres sold; if in an acute angle, it shall be bounded by said division lines to such distance, and by lines in such other directions as the Register may deem most equitable between the land so sold and that retained; the patents for lands so sold shall issue to the free school directors and their successors, for the use of their district schools, setting forth the number, and of what parish.

201. (Reservation of School Lands, A. 316, '55.)

The Register of the State Land Office is required to ascertain in what township in this State there are no reservations of school sections by reason of conflicting claims or from any

other cause, or where the reservation is less than contemplated by law; and in such cases it is made his duty under the superintendence of the Governor, to apply for, and as soon as possible, obtain a location of any land or part of land in lieu thereof.

201-a. (Providing for the Deposit of Public Funds, A. 25. '07, amended by A. 282, '08.)

That all funds of the State of Louisiana, and of all parishes and municipalities thereof, and all public boards, commissions, and bodies created by or under the authority of the State or any parish or municipality thereof, shall be deposited weekly in the fiscal agency or agencies hereinafter mentioned. Such deposits shall be made in the name of the State, or of the parish, municipality, board, commission or body having by law the custody of the same.

201-b. (Fiscal Agent to be Bank Offering Highest Rate of Interest.)

The fiscal agency or agencies with whom such funds shall be deposited shall be a bank or banks, chartered under the laws of the State of Louisiana, or of the United States, and domiciled in this State, offering the highest rate of interest, consistent with the safety of such funds, upon the daily balances of the deposits so to be made and giving satisfactory security hereinafter mentioned.

Manner of Selecting Fiscal Agency for State, Parish, and Municipal Funds.)

Such fiscal agency or agencies shall be selected as follows:

(1) As to funds belonging to or received in behalf of the State whether by the State Treasurer, or any sheriff or tax collector, the Board of Liquidation of the State Debt shall biennially for thirty days beginning on the first Monday in March, 1908, advertise in the official journal of the State, and in one newspaper published in the cities of New Orleans, Baton Rouge, Shreveport, Alexandria, Monroe, Lake Charles, and New Iberia; as to funds received by and in the hands of sheriffs and tax collectors, said Board shall advertise for a like period in the same manner in one newspaper published in the parish where such collective officer exercises his office, giving notice of the time and place of letting out of the State's deposits, the amount of security required, and inviting banks to bid for the custody thereof; provided that as to the funds in the hands of the State

Treasurer, said advertisement shall be first made thirty days prior to the expiration of the present contract with the fiscal agents of the State, and the first letting shall be for a period expiring April, 1910. Should there be but one bank in any parish authorized hereunder to bid for the funds received by or in the hands of any sheriff or tax collector, said Board is authorized to invite bids also from banks in contiguous parishes, when in their judgment deemed proper, otherwise bidders shall be limited to banks domiciled in said parish. As soon as possible after the expiration of the terms of advertisement herein fixed shall have expired, said Board shall meet at the capital and publicly open bids and make awards of said deposits as herein required.

(2) As to funds belonging to or received in behalf of any parish or municipality of this State, the police jury or the municipal council shall at the same time, in the same manner and under the same regulations and penalties, as are provided for the control of the Board of Liquidation of the State Debt in reference to funds received by and in the hands of sheriffs or tax collectors, advertise and let such funds; provided that said advertisement shall be for a period of fifteen days.

201-c. (Boards, Etc., Manner of Selecting Fiscal Agency.)

(3) As to funds belonging to or received by any public board, commissions or body created by any special or general act of the General Assembly of the State, not held in the custody or possession of the State Treasurer, such board, commission or body shall advertise and let the deposits to the bank or banks domiciled within the territorial jurisdiction of such board, commission or body, or in case such jurisdiction does not extend over an even parish, then to any bank in the parish, in the same manner, at the same time, and under the same regulations and penalties as are prescribed herein for funds of parishes and municipalities.

(4) As to the funds belonging to or received by any board, commission or body created or controlled by any parochial or municipal government, the same shall be let as a part of the funds of such parish or municipality, and any interest earned thereon shall belong to the parish or municipality creating the same.

(5) As to the funds deposited in the registry of any court or coming into the hands of the clerk of court or sheriff in any judicial proceeding, and not belonging to such officer, the same shall be deposited in the fiscal agency awarded the custody of the funds of the parish, the Parish of Orleans excepted. In the Parish of Orleans, such funds shall be deposited in the bank or banks offering the highest rate of interest consistent with the safety of such funds, and giving security therefor, under such rules and regulations as may be prescribed by the judges of the Civil District Court. The interest thus earned shall accrue to the party or parties finally decreed to be entitled to the ownership of such funds.

(All Bids to be Sealed. Same.)

Section. 3. All bids shall be sealed and indorsed on the envelope "Fiscal Agency Bid," and addressed to the State Auditor or to the authority letting such deposits, as the case may be, and shall be kept sealed until the meeting of the authority to award said funds.

(Penalty for Breaking Seal.)

It is hereby declared a misdemeanor, punishable by fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding one year, or both at the discretion of the court, for any person prior to such meeting to break the seal of any envelope or covering enclosing such bid, or to examine the contents thereof.

(When the Bids of Two Banks Are Equal.)

Section 4. Where the bids of two or more banks are equal, the award shall be made to such banks in such proportion as said banks may agree upon, and if they fail to agree, then in such proportion, giving each a share, as the authority letting same may determine.

(Compensation Calculated on Daily Balance.)

Section 5. The compensation to be paid for deposits aforesaid shall be calculated on the daily balances as shown by the books of the State Treasurer, or of the treasurer of the parish, municipality or body, as the case may be, and shall be paid on the first day of January of each year; provided that the authority letting the deposit may end the contract as to all or any of such banks at any time, in the event that circumstances arise

which in their opinion jeopardize the safety of such deposits, by giving thirty days' notice in writing to the bank or banks holding such deposits, and all such deposits shall be forthwith returned by such bank or banks upon the expiration of such period. And in case of such cancellation, the authority shall proceed as in case of original lettings or relet the deposits theretofore deposited with such bank or banks for the unexpired term of such contract.

(Security Required.)

Section 6. No funds of the State nor of any parish, municipality, board, commission or body therein, shall be awarded to any bank or banks as aforesaid or deposited therein, unless and until such bank or banks shall have given the security provided in this section. The successful bidder or bidders shall as security for the safekeeping and return of said deposit, deposit with the State Treasurer, or with the fiscal officer of the authority letting such deposits, an amount of bonds of the United States or of the State (except Baby Bonds) or of any parish, city, town or levee district therein, equal to the estimated average deposits of such authority, as determined by the record of the year previous, or shall have given bond with a duly authorized surety company as surety conditioned for the safe keeping and return of such deposits and the payment of the interest thereon in a like amount; provided that no surety company shall be accepted as surety on any bond for a greater sum than ten per centum of its capital and surplus; and provided further that such bank or banks may deposit the bonds aforesaid for part of the security and give surety bond for the balance in such proportion as it or they may see fit; and provided further that where such deposits are divided between two or more banks, each may give security for its proportion of the total security required, based on the proportion of such deposits awarded to it.

(When Bonds Are Given as Security.)

Section 7. Where any successful bidder or bidders shall elect to deposit as security the bonds of any political subdivision of the State, such bonds must have a market value of at least equal to the par value thereof, and in case such bonds should depreciate in value, the authority shall have the right at any time to demand additional security to make up the deficiency. If, at any time, any depository bank fail or suspend, or fail on due demand

without just cause to pay over such funds so deposited with it, the State Treasurer, on the direction of the Governor, or other fiscal officer, with whom any bonds may have been deposited as security, on the direction of the authority which made such letting, may forthwith, after ten days' advertisement in the newspaper or newspapers in which proposals for bids must be advertised for by such authority, sell such bonds, or a sufficient amount thereof to cover the deposit and accrued interest thereon, by auction at the customary place where judicial sales are made in the parish where such securities are held. In case any surety company given as surety should fail, cease to do business, or liquidate, a new security shall be substituted within ten days from demand, else the contract for such deposits shall *ipso facto* terminate and a reletting of said deposits shall be made.

In case of any such default on the part of any fiscal agency as aforesaid, when a surety bond has been given as security, and the said surety company shall have failed, within thirty days after demand upon it, to pay the amount of such deposit with the accrued interest thereon, the State Treasurer, by direction of the Governor, or the fiscal officer, on the direction of the authority that let such deposit, as the case may be, shall institute suit in the name of the State or such authority, as the case may be, against the principal and surety, or both of them, on such bond for the recovery of the amount of such deposits and accrued interest and a penalty of ten per centum on the amount so sued for together with costs. Such suit may be brought either at the designated domicile of the plaintiff or the defendant; and in case of deficiency, the same shall be secured by first lien and privilege on all property and assets of said depository.

(When State Borrows Money; Rate to be Paid.)

Section 8. In case it should become necessary for the State to obtain advances of money, or for any of the other authorities to borrow money in cases permitted by law, the bank or banks awarded the contract as fiscal agent or agents, shall advance the same at a rate of interest no greater than that allowed on the said deposit; provided, the amount so advanced shall not exceed the amount on deposit to the credit of the State or such authority.

Section 9. Wherever by any existing law or laws the deposit of the funds of any municipality, board, commission or body with any bank or banks paying the highest rate of interest consistent with the safety of such funds, and giving security therefor, is provided for, such law or laws shall remain in full force and effect and not be repealed or impaired hereby. Nor shall any existing contracts made in pursuance of any such law or laws be affected or impaired hereby. Except as in this section provided, all laws or parts of laws in conflict herewith are hereby repealed.

(Grants and Reservations.)

The lands granted in the States and reserved in the Territories for educational purposes by Acts of Congress from 1785 to June 30, 1880, were:

202. (For Public or Common Schools.)

Every sixteenth section of public land in the States admitted to 1848, and every sixteenth and thirty-sixth section of such land in States and Territories since organized—estimated at 67,893,919 acres.

203. (For Seminaries or Universities.)

The quantity of two townships, or 46,080 acres, in each State or Territory containing public land, and, in some instances, a greater quantity, for the support of seminaries or schools of a higher grade—estimated at 1,165,520 acres.

204. (For Agricultural and Mechanical Colleges.)

The grant to all the States for agricultural and mechanical colleges, by Act of July 2, 1862, and its supplements of 30,000 acres, for each Representative and Senator in Congress to which the State was entitled, of land "in place" where the State contained a sufficient quantity of public land subject to sale at ordinary private entry at the rate of \$1.25 per acre, and of scrip representing an equal number of acres where the State did not contain such description of land, the scrip to be sold by the State and located by its assignees on any such land in other States and Territories, subject to certain restrictions. Land in place, 1,770,000 acres; land scrip, 7,830,000; total, 9,600,000 acres.

In all, 78,659,439 acres for educational purposes under the heads above set out to June 30, 1880.

The lands thus ceded to the several States were disposed of or are held for disposition, and the proceeds used as permanent endowments for common school funds. (See Reports of the Commissioner of Education, Hon. John Eaton, to June 30, 1880; land and auditors' reports for the several land States; Kiddle & Schem's Dictionary of Education; and also ninth census, E. A. Walker, superintendent, for details of endowments of the several States for common schools resulting from the sales of United States land grants for education.) As an illustration, the State of Ohio has a permanent endowment for education, called the "Irreducible State Debt," the result of sale of all granted lands for education, of \$4,289,718.52.

(Price of Seminary Lands, S. 2954, R. S.)

The price of the seminary lands shall hereafter be fixed at one dollar and twenty-five cents per acre.

205. (Disposition of Funds of Towns on the Recision of Their Charters, S. 6, A. 173, '94.)

If after paying all the debts of said town (upon the dissolution and recision of its charter) there shall remain any balance of money, the same shall be turned over to the school board of the parish to be used in the education of the children of school age residing within the territory covered by said town.

206. (Prescription of Debts, Etc., S. 8, A. 103, '80.)

The term of prescription of any and all debts, due to any charitable institution in this State, and to any college fund, or any fund of any institution of learning, or to any fund bequeathed for charitable purposes of education, and of all debts contracted by borrowing the whole or part of any such funds, shall be thirty years; provided, the debt is evidenced in writing.

207. (Free School Fund, S. 2957, R. S.)

The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools except the sixteenth section in the various townships of the State specially reserved by Congress for the use and benefit of the people therein; and all lands which may hereafter be granted or bequeathed to the State, and not specially granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the ten per cent of the net proceeds of the sales

of the public land and which have accrued and to accrue to this State under the Act of Congress entitled "An Act to appropriate the proceeds of the public lands," and to grant pre-emption rights, approved September 4, 1841; and the proceeds of the estates of deceased persons, to which the State has or may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, to be called the Free School Fund, on which the State shall pay an annual interest of six per cent; which interest, together with the interest of the Trust Fund deposited with this State by the United States, under the act of Congress approved the 23d of June, 1836, with the rents of all unsold lands, except that of the sixteenth sections, shall be appropriated for the support of public schools in this State; and donations of all kinds which shall be made for the support of schools, and such other means which the Legislature may from time to time set apart for school purposes, shall form a part of the fund, and shall also be a loan on which the State shall pay an interest of six per cent per annum.

208. It shall be the duty of the Treasurer of the State to apply annually, and to receive from the General Government, the said ten per cent of moneys now due and to become due to this State, and to place the same, when received, to the credit of the proper fund, and to report thereon to each session of the General Assembly.

209. (Special Sources of Revenue.)

1. Act 85 of '94.—Residue from sale of unclaimed merchandise in warehouse.

2. Act 124 of '90.—Residue from sale of unclaimed freight in railroad warehouse.

3. Act 124 (Secs. 1 and 7), '02.—Proceeds from sale of "Islands other than sea marsh islands."

4. See S. 2957, R. S.—From "Land Grants" other than the sixteenth section.

5. Acts 39, 177, '02.—From sale of "Internal Improvement" Swamp Indemnity Lands and Certificates.

6. Act 180 of 1902.

7. All fines and forfeited bonds (par. 131).

8. See Act 27, '75.—Fine for violation of laws relative to inquests, etc.

9. Recision of town charters, S. 6, A. 173 of 1894.
10. Donations, pars. 35, 205.
11. Fees, par. 43.
12. Inheritance tax, pars. 21, 22, 141-a, 165.
13. State appropriation for high and agricultural schools.
14. Special school tax.

210. (Free Passage Over Certain Streams for Pupils, S. 12, A. 214, '02.)

The free right of passage or conveyance over all public ferries, bridges and roads which are rented out by the State or parish, or over which the State or parish exercises any control, or for which license is paid or toll exacted, be and is hereby granted to all children on foot attending the public schools; and no tolls or fees shall be demanded or exacted from said children by the keepers or attendants of said ferries, bridges or roads in their passage to and from school between the hours of 7 o'clock a. m. and 9 o'clock a. m., and 4 o'clock p. m. and 6 o'clock p. m.; provided, that on Sundays and holidays no children shall have the right to cross such ferries, bridges or roads on terms different from those of any ordinary passenger.

211. (No School Opened With Fewer Than Ten Pupils, S. 13, A. 214, '02.)

No school of less than ten pupils shall be opened or maintained in any locality.

212. (Branches to be Taught; French; Length of Daily Session, S. 23, A. 124, '02, amended and re-enacted by A. 133, '06.)

But it further enacted, etc., That the branches of orthography, reading, writing, drawing, arithmetic, geography, grammar, United States history, the laws of health, including the evil effects of alcohol and narcotics, shall be taught in every district. In addition to these, such other branches shall be taught as the State Board of Education and the parish school boards may require; provided, that these elementary branches may also be taught in the French language in those localities where the French language is spoken; but no additional expense shall be incurred for this cause. No public school in the State shall be opened later than 9 a. m. or closed earlier than 3 p. m.; this shall not be construed so as to prevent half day sessions where the school accommodations are insufficient for all the pupils of the district in a whole day session. Nor shall it interfere with any

arrangements made for the conduct of the kindergarten schools; provided, that in the Parish of Orleans the Board of School Directors may fix the hours of session of the public schools. A school week shall consist of five days and a school month of twenty days; and no teacher shall be required to teach more than twenty days to be entitled to his or her salary for a school month.

212-a. (Agriculture and Home Economics to be Taught in Schools, A. 306, '10.)

In addition to the branches in which instruction is now given in the public schools of the State of Louisiana, instruction shall also be given in all the elementary and secondary schools of the State in the principles of agriculture or horticulture and in home and farm economy.

Section 2. Be it further enacted, etc., That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

213. (Hygiene and Temperance, S. 1, A. 40, '88.)

In addition to the branches in which instruction is now given in the public schools, instruction shall also be given as to the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system in connection with the several divisions of the subject of relative physiology and hygiene, and such subjects shall be taught as regularly as other branches are taught in said schools. Such instruction shall be given orally from a text-book in the hand of the teacher, to pupils who are not able to read, and shall be given by the use of text-books in the hands of the pupils in the case of those who are able to read, and such instruction shall be given as aforesaid to all pupils in all public schools in the State, to all the grades until completed in the high schools.

213-a. (Spitting on Schoolhouse Floor Prohibited, S. 1, A. 91, '08.)

Any person who shall spit upon the floor or walls of any passenger car, street car, depot or waiting room, courthouse, churchhouse, schoolhouse, or any other public building whatever, shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum not less than Five (\$5) Dollars, nor more than Twenty-five (\$25) Dollars, and in default of payment of fine and costs, shall be imprisoned in the parish jail for a period not exceeding ten days.

213-b. (Providing That the Doors of School Houses Shall Swing Outward, A. 91, '08.)

Section 1. All doors for ingress and egress to public school-houses, churches, courthouses, assembly rooms, halls, theatres, factories with more than twenty employees and of all other buildings of public resort whatever, where people are wont to assemble, shall be so swung as to open outwardly from the audience rooms, classrooms, halls, or workshops; but such doors may be hung on double-jointed hinges, so as to open with equal ease outwardly or inwardly.

Section 2. The provisions of this Act shall apply to all buildings and houses within its terms, erected after its passage, from the date it becomes in force. As to all such buildings and houses heretofore erected, said provisions shall be applied from and after the expiration of six months from the date when this Act becomes operative.

213-c. Section 3. The president of the parish school board, the deacons, the stewards or managers of any church, the president of the parish police jury, or the owner of any hall, theatre, or factory, failing to comply with the provisions of this Act or to have same complied with as relates to any building or buildings under the control of the bodies over which they preside or of which they are a member, or to such building or buildings owned by them, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, and upon failure to pay such fine and costs shall be imprisoned in the parish jail for a period not exceeding ninety (90) days.

Section 4. Provided that this Act shall not apply to factories, cotton seed oil mills and other like establishments where the doors for the purpose of protection against fire, are so arranged as to slide back and forth on rollers.

214. (Text-Books in Physiology, S. 2, A. 40, '88.)

The text-books used for the instruction required to be given by the preceding section (*referring to the law in regard to the teaching of Hygiene and Temperance*), shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics; and the books used in the highest grades of graded schools shall contain at least twenty pages of matter relating to this subject.

Text-books on physiology in use in the schools or at the time this Act takes effect, which are not in accordance with the requirements of this section, shall be changed for books satisfying the requirements of this section, except when previous contracts as to such text-books are now in force.

216. (Exemptions From Jury Duty, S. 2, A. 89, '94.)

The following persons shall be exempted from serving as jurors, but the exemption shall be personal to them, and when they do not themselves claim the exemption it shall not be sufficient cause for challenging any person exempt under the provisions of this Act. * * * The Governor, Lieutenant Governor, State Auditor, State Treasurer, Secretary of State, Superintendent of Public Education, their clerks and employees, and all public officers commissioned under the authority of the United States. * * * professors and school teachers while employed in teaching. * * *

216-a. (Sundry Acts on School Affairs.)

1. Centenary College of Louisiana, formerly the College of Louisiana, to be investigated by a legislative committee, Act No. 16, '08. Suit authorized, Act 147 of 1910.

2. Giving school site to the City of Baton Rouge, Act No. 186, '08.

3. Authorizing the Trustees of Minden Female College to transfer its property to the School Board of the Parish of Webster, Act No. 214, '08.

4. Authorizing Auditor and Treasurer to invest sixteenth section proceeds in levee bonds, Act No. 54, 1900, and Act No. 226, '02.

5. Authority of institutions of learning to confer literary degrees, Act No. 96, 1900.

6. Separating the city schools of Lake Charles from the Parish of Calcasieu, Act 90, '06.

216-b. (School Libraries Established, A. 202, '06.)

Whenever the patrons and friends of any individual school or grade of the free public schools in which a library has not already been established by the aid of the parish board of school directors, shall raise by private subscription or otherwise and tender to the treasurer of the parish public school funds, for the establishment of a library to be connected with such school or grade,

the sum of ten dollars, and the parish treasurer has so advised the secretary of the parish board of school directors, the said board at its next quarterly meeting shall appropriate from the public school funds the sum of ten dollars for this purpose, and shall appoint the teacher in charge of said school or grade the manager of such libraries; provided further, that at times other than during the school term, the library shall be kept in a locked case provided for under this Act.

216-c. (Duty of Parish Treasurer and Secretary of School Board.)

Section 2. Be it further enacted, etc., That as soon as the secretary of the parish board of school directors shall have received notice from the treasurer of the parish public school funds (and said notice should be served by the said treasurer, within five days after receipt of same) that a donation for a library for a certain school or grade has been made, the secretary shall inform the State Superintendent of Public Education of the fact, whereupon the said State Superintendent shall furnish the said secretary a list of public school library books and prices therefor, said books and prices having been approved by the State Board of Education.

216-d. (Manner of Selecting Books.)

Section 3. Be it further enacted, etc., That within five days after the parish board of school directors shall have made an appropriation for a library, the president and secretary of the board, with the assistance of the teacher in charge of the school or grade for which the appropriation was made, shall select from the aforesaid approved list of books for public school libraries a list of books to be purchased for the said library, and shall submit a list of books to be purchased to the secretary of the board, who shall order the books at once, and payment for same shall be made by warrant upon the treasurer of the parish public school funds signed by the president and secretary of the parish board of school directors.

(Duty of School Board to Furnish Book Case.)

Upon application of the parish superintendent, the parish board of school directors shall furnish, to each library, at the expense of the public school funds, a neat bookcase, with lock and key.

216-e. (Local Manager to Observe Rules and Regulations; Report to State Superintendent.)

The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be established by the State Superintendent of Public Education, and shall on or before the tenth day of January of each year make to the State Superintendent of Public Education such report as he may require.

216-f. (Duty of School Board When Second Appropriation is Made After One Year; Subsequent Appropriations Limited to One Per Year.)

Section 5. Be it further enacted, etc., That when the patrons and friends of any individual school or grade of the public school in which a library has been established for one year under the preceding sections of this Act, shall raise by private subscription or otherwise and tender to the treasurer of the parish school funds the sum of five dollars for the enlargement of the library, the parish board of school directors shall appropriate from the money belonging to that school or grade not less than the sum of five dollars nor more than fifteen dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries; provided that no more than one such appropriation shall be made each year for each school or grade.

216-g. (Legal Ownership to Remain in Parish School Board.)

Section 6. Be it further enacted, etc., That the legal possession and ownership of the books, cases and other appendages of the school or grade library, shall be and remain in the parish board of school directors and their successors in office, and that the felonious destruction or taking and carrying away thereof, or any part thereof, or any books, article, apparatus or furniture, from or belonging to any public schoolhouse owned or used for public school purposes shall and is hereby declared to be larceny, and the breaking into such schoolhouse at night, with intent to commit larceny, as herein set forth, or any felony, shall and is hereby declared to be burglary, and that any larceny or burglary so committed shall be punished as in other cases under existing statutes.

217. (Accountability of Pupils to Teachers; Suspensions, S. 61, A. 214, '02.)

The teacher shall faithfully enforce in the school the course of study and the regulations prescribed in pursuance of law; and if any teacher shall willfully refuse or neglect to comply with such requirements, the parish superintendent, on petition or complaint which shall be deemed sufficient by the board, may remove or dismiss him or her. Every teacher shall have the power and authority to hold every pupil to a strict accountability in school for any disorderly conduct on the playgrounds of the school or during intermission or recess, and to suspend from school any pupil for good cause; provided, that such suspension shall be reported in writing as soon as practicable to the parish superintendent, whose decision shall be final; and provided further, that in the Parish of Orleans the principals of schools shall suspend and report the same to the superintendent for approval or further action.

CITY SCHOOLS

NOTE.—Sec. 73 is part of Act 167, 1904. All others included between Sections 71 and 81 inclusive, are parts of Act 214, '02.

218. Section 71. Be it further enacted, etc., That all the public schools of the Parish of Orleans, and the property and appurtenances thereof, and the course of study and grading thereof, shall be under the direction and control of a board of directors.

219. (Organization of School Board; Duties of Secretary, S. 72, A. 214, '02.)

Be it further enacted, etc., That said board of directors of the public schools of the Parish of Orleans shall be a body corporate in law, with power to sue and be sued. Eleven members shall constitute a quorum for the transaction of business. Legal process shall be served on the president; in his absence or inability to act, on the vice-president. The City Attorney shall act as attorney for the board. The board shall be organized within ten days after appointment, with a president and vice-president chosen from among its members, and a secretary, who shall not be a member of the board. In addition to the duties of his office, which may be fully prescribed by the board, the secretary shall make a quarterly report to the State Superintendent of Education of the cost of maintaining the city

schools, and shall keep the accounts of said board in such manner as to be in strict accordance with such budget as it may adopt, certifying to said board at each monthly meeting the expenses of said board for each current month. Said board shall have control of all buildings, records, papers, furniture and property of any kind pertaining to the administration of the schools, and shall have management of all the public schools within the limits of the City of New Orleans. The said board shall also have power to pledge its revenues for the year then current, whether received from the State, parish, Board of Liquidation of City Debt, or otherwise, for the purpose of promptly paying its obligations, or for such other purposes as to said board may seem proper.

Section 73. Be it further enacted, etc., That in addition to the powers and duties hereinbefore granted to and imposed upon parish boards, the powers and duties of said board of directors of the Parish of Orleans shall be as follows:

220. First. It shall adjust and fix equitably the salaries of teachers and janitors, secretary, employees, and of such assistant superintendents as it may deem necessary for an efficient supervision of the schools.

221. Second. It shall limit the annual expenses of maintaining the schools to the annual revenue, and the expense for any one month shall not exceed the one-ninth part of the whole amount provided for the schools.

222. Third. It shall prescribe rules for subjecting teachers or candidates for teacherships to a careful competitive examination on all such branches as they are expected to teach, and no person shall be elected to a position as teacher without a favorable report on his moral or mental qualifications by an organized committee of examiners appointed by the board. Teachers regularly examined and elected shall not be removed from the schools during the time for which employed, except on written charges of immorality, neglect of duty, incompetency or malfeasance of which he has been found guilty by a majority of the members of the board at a regular monthly meeting. The said board may except from said examination any person who has passed a satisfactory examination, as required by Act No. 23 of 1877, approved March twenty-sixth (26th), eighteen hundred and seventy-seven (1877).

223. Fourth. It shall elect all teachers from among the candidates holding certificates in the order of their merit, as shown by the averages attained at the regular competitive examinations.

224. Fifth. All certificates shall be good for five years and shall be graded by the said board; provided, teachers in service shall not be required to stand future examinations.

225. Sixth. It shall hold regular monthly meetings on a day fixed by it.

226. Seventh. It shall declare vacant the position of any of its members who shall have failed to perform the duties assigned to him, or who shall have absented himself from two successive monthly meetings of the board without leave, or shall have been guilty of any breach of decorum or of any other act inconsistent with the dignity of a school director; and it shall report each vacancy to the body by which delinquent member shall have been previously elected or appointed; it shall be the duty of the board of directors of city schools elected and appointed under the provisions of this Act to examine and scrutinize personally the accounts of their predecessors, in order to find out if their administration of the school funds committed to their charge for disbursement has been in accordance with law, so that in the future a proper administration of the city schools may be had.

227. Eighth. It may establish, when practicable, evening or night schools for the instruction of such youth as are prevented by their daily vocation from receiving instructions during the day.

228. Ninth. It may establish, when deemed advisable, one or more normal schools for professional training and improvement of candidates for teacherships, including the course of instruction and training, lectures in the natural sciences, and on the method of teaching and disciplining children, and the practical exercises of non-teaching students in model classes organized for that purpose by the faculty of the institution. To graduates of these normal schools, also to proficient students in the city high schools the board may, in its discretion, award diplomas. Graduates of these normal schools may be deemed preferred candidates for vacant position in the city public schools. Diplomas awarded to graduates of these normal schools shall be deemed equivalent to teaching certificates of the highest grade

for public schools; provided, that the final examinations for graduation from said normal school shall be conducted in the same manner and include the same subjects as the public competitive examinations required by paragraph three (3) of this section.

229. Section 75. Be it further enacted, etc., That the said board is authorized to appoint for the constant supervision and periodical examinations of the public schools of the Parish of Orleans, a competent and experienced educator to be designated as superintendent. He shall aid the directors in organizing the schools and in improving the methods of instruction therein, in examining candidates for teacherships, and in conducting periodical examination of pupils for promotion through the respective grades of the schools, and in maintaining general uniformity and discipline in the management of all the schools. He shall make monthly reports on the condition and needs of the schools to his board of directors at their regular monthly meetings. For the information of the Common Council, the city school directors, and the public generally, he shall, on or before the fifteenth day of January of each year, publish a printed report, in book form, showing the condition and progress, and possible improvements to be made in the public schools of the city, the amount and condition of the school funds, how the revenues have been distributed during the past year, the amount collected and disbursed for common school purposes from the general current school fund of the State, from local taxation or appropriation, and from all other sources of revenue, and how the same was expended for buildings, repairs, salaries, furniture, and apparatus, and all other items of expenditure. The report will show, also, the number of pupils enrolled, male, female, white and colored, the number and location of school houses, the number of teachers employed in the various grades, in the normal, high, grammar, primary, and kindergarten schools; it shall contain, also, an account of examinations held for teacherships, the number of certificates of each grade awarded, the names of applicants who received them, and generally all other items of information which should be contained in a report upon the annual operation of the school system of a large city. Copies of this report shall be forwarded, one each, to the Governor and members of the State Board of Education, the State Superintendent of

Education, the members of the Common Council of the City of New Orleans, and to other officials and persons interested in the welfare and progress of the city schools. Whenever notified to be present, he shall attend meetings of the State Board of Education. He shall hold his office for a term of four years, subject to removal by the board for incompetency, neglect of duty or malfeasance, of which, after an impartial hearing by the board, he shall have been adjudged guilty. He shall be ex-officio a member of said board, entitled to participate in its deliberations and debates, and in the examination of candidates for teacherships; but he shall not cast a vote in the board.

230. Section 76. Be it further enacted, etc., That the treasurer of the City of New Orleans shall ex-officio be the treasurer of said board and shall receive all funds apportioned by the State to such city, or received or collected for the support of the free public schools from any and all sources. He shall give bond, with good and solvent security, in the sum of ten thousand dollars (\$10,000) in favor of the president of said board and his successors in office, to be accepted and approved by said board and recorded in the mortgage office of the parish, and which bond shall then be filed and kept on record in the office of the said board. The filing of said bond, and taking and filing the usual oath of office before any officer authorized to administer the same, shall qualify the treasurer to act.

231. Section 77. Be it further enacted, etc., That said treasurer shall hold his office for four years, or during his term of office as city treasurer, unless sooner removed after due trial and hearing by the said board, for neglect of duty or malfeasance in office; and, in case of removal by the board, it shall elect a treasurer who shall not be a member. He shall receive the sum of six hundred dollars per annum for the trouble and expense which may be incurred by him in the discharge of the duties imposed under this Act, payable monthly. He shall keep his office open at all such times as may be prescribed by said Board, for the payment of pay rolls or checks in favor of teachers and other employees of the board.

232. Section 78. Be it further enacted, etc., That the mayor, treasurer and comptroller of the City of New Orleans shall be ex-officio members of the said board and entitled to take part

in all the debates and deliberations in said board on the ways and means of maintaining the public schools of said parish, but they shall not have the right to vote.

233. Section 79. Be it further enacted, etc., That in addition to the duties imposed upon the parish board of directors, it shall be the duty of said board for the Parish of Orleans to present to the Common Council of the City of New Orleans, on the 10th day of December of each year, a full report of the condition of the city schools, showing the number of teachers and other employees and their salaries; the number and location of school-houses, with the condition thereof, and the estimated cost of keeping all appurtenant grounds in good repair during the ensuing year, also a detailed exhibit of all receipts and expenditures of the board for the schools during the previous twelve months; said report shall be accompanied with a statement certified by the officers of the board of the daily average attendance of pupils during the annual session, and the average expenses per capita of their instruction.

234. Section 80. Be it further enacted, etc., That it shall be the duty of the Common Council of the City of New Orleans, in making up their budget of annual expenses, to include therein the amount necessary to meet the expenses of the schools, as shown by the statement of the actual attendance, and the cost of instruction required by the preceding section, with such additional allowance for probable increased attendance and contingent expenses as may seem just and reasonable to the City Council, and to keep in good repair all schoolhouses and school grounds belonging to the city.

235. Section 81. Be it further enacted, etc., That this Act shall go into effect from and after its passage; and nothing in this Act shall be so construed as to vacate the office of any teacher until the expiration of the term for which he or she shall have been appointed under existing laws, nor as requiring such persons now teaching in the public schools of the City of New Orleans to qualify in accordance with this Act, or to pass such examinations as are otherwise demanded by paragraph five of Section 75, and that all laws in conflict with the provisions of this Act be, and the same are hereby repealed, except Acts passed at the present session of the General Assembly. Provided, further, that the adoption and promulgation of this Act will not

interfere with the present organization of the New Orleans board, but that said board and its members shall continue in office and vacate office as now provided in Section 62 of Act 81 of 1888, as if this law had not been enacted.

236. (City Council Authorized to Establish, S. 1377, R. S.)

The Common Council of the City of New Orleans are authorized to establish one or more public schools in each district, for the gratuitous education of the children residing therein; to enact ordinances for the organization, government and discipline of the same, and to levy taxes for their support, as to them may seem proper.

237. (Report to State Superintendent, S. 1378, R. S.)

The Council shall make a report annually to the Superintendent of Public Education of the disposition of the school funds, and communicate all other information respecting public education which they may possess and which may be called for by him.

238. (School Books for Indigent Pupils, A. 55, '02.)

Section 1. Be it enacted, etc., That the board of directors of the public schools for the Parish of Orleans shall appropriate annually not less than the sum of two thousand dollars, or as much thereof as may be needed for the purchase of school books to be used for pupils in the primary grades of the public schools of the Parish of Orleans.

239. Section 2. Be it further enacted, etc., That said board of directors shall furnish school books to all pupils in the primary grades in the public schools throughout the Parish of Orleans who are unable to provide themselves with the requisite books. In order to obtain such books for pupils who are unable to provide themselves with same, it shall be necessary for parents or guardians of such children to make written application to said board through the principals of school or to the Superintendent to that effect, on forms to be provided by said board; and it shall be also necessary for such parents or guardians to attest said application before any public authority, authorized to administer oaths, or before the said Superintendent, or before the principal of schools, who are hereby authorized to receive and administer such attestations.

240. (The Position of the Teacher Permanent, S. 1, A. 166, '08, amending and re-enacting S. 74, A. 81, '88.)

That nothing in this Act shall be construed as to vacate the office of any teacher for which he or she shall have been appointed under existing laws, nor as requiring such persons now teaching in the public schools of the Parish of Orleans to qualify in accordance with this Act, or to pass such examinations as are otherwise required by paragraph 5 of Section 64 of this Act.

241. All teachers now employed in said public schools, and those occupying positions as principals and vice-principals in said schools, shall be regarded as permanent employees of said Board of Directors of the Public Schools for the Parish of Orleans, and said teachers shall not be removed from office, nor said principals or vice-principals deposed or removed from such positions, except for cause, in the manner and form as set out in paragraph 3 of said Section 64 of this Act; provided, that the marriage of a female teacher at any time shall *ipso facto* vacate her position.

242. All teachers hereafter appointed in said schools, and all principals and vice-principals elected by said board hereafter, shall be appointed permanently and shall not be subject to removal except for cause, and as set out in paragraph 3 of Section 64 of this Act.

(LOUISIANA STATE UNIVERSITY AND A. AND M. COLLEGE, Act 47, '70; A. 14, '67; A. 96, '60; A. 121, '69; A. 228, '58; A. 303, '67; A. 72, '69; A. 145, '76; A. 20, '75; A. 65, '77; A. 125, '74; A. 141, '94; A. 75, '96; A. 152, '02; A. 100, '86; See Constitution, '98.)

243. (Object of the Institution, A. 145, '77.)

The Louisiana State University and Agricultural and Mechanical College, as hereinafter created, shall have for its object to become an institution of learning, in the broadest and highest sense, where literature, science and all the arts may be taught; where the principles of truth and honor may be established, and a noble sense of personal and patriotic and religious duty inculcated; in fine, to fit the citizen to perform justly, skillfully, and magnanimously all the offices, both private and public, of peace and war.

244. (General Instruction, A. 145, '77.)

The Louisiana State University and Agricultural and Mechanical College, as hereinbefore created, shall provide general instruction and education in all the departments of literature, science, art, and industrial and professional pursuits; and it shall provide special instruction for the purpose of agriculture, the mechanic arts, mining, military, science and art, civil engineering, law, medicine, commerce and navigation.

NOTE.—See L. S. U. catalogue for degrees conferred.

245. (Branches to be Taught, A. 145, '77.)

There shall be maintained in the Louisiana State University and Agricultural and Mechanical College, as hereinbefore constituted and established:

First—Schools of literature, including the languages of the principal nations of ancient and modern times, philosophy, logic, rhetoric and elocution, history, ethics, metaphysics and such other and special branches of learning as the board of supervisors may determine.

Second—Schools of science, including mathematics, astronomy, engineering, architecture, drawing, physics, chemistry, botany, zoology, agriculture, mechanics, mining, navigation and commerce and such other special branches of learning as the board of supervisors may determine.

Third—Schools of the useful and fine arts, and of military science and art.

Fourth—Schools of medicine and law.

Fifth—Such other schools as the board of supervisors may establish.

246. (Affiliation With Any Incorporated Institution, A. 145, '77.)

The board of supervisors may affiliate with the Louisiana State University and Agricultural and Mechanical College any incorporated university or college, or school of medicine, law or other special course of instruction, upon such terms as may be deemed expedient; and such university, college or school may retain the control of its own property, have its own board of trustees, faculties and president respectively; and the students of such universities, colleges or schools recommended by the respective faculties thereof, may receive from the Louisiana

State University and Agricultural and Mechanical College the degrees of those universities, colleges or schools, and the said students of learning or special schools, thus graduated, shall rank as graduates of the Louisiana State University and Agricultural and Mechanical College.

246-a. (Beneficiary Cadets.)

Each parish, as now created, or that may hereafter be created in the State, shall have the right to delegate to the Louisiana State University and Agricultural and Mechanical College one beneficiary cadet, and the City of New Orleans shall have the right to delegate to said institution seventeen beneficiary cadets; or one from each ward of said city, said beneficiaries to remain at said institution four years, unless sooner graduated or otherwise discharged; provided, that no beneficiary cadet shall be permitted to resign from said institution, without the consent of the board of supervisors thereof, which consent shall be given only in case of urgent necessity, such as serious and long protracted ill health, duly declared by the certificate of the surgeon of said institution, or other competent physician, be of such a nature as to render it impossible for said cadet to pursue his studies with advantage.

246.-b. (Police Juries and City Councils to Elect Beneficiaries.)

The police jury of each parish and the city council of New Orleans, respectively, may at a regular meeting elect the number of beneficiary cadets to which said parish or city is entitled as aforesaid, of such age and qualifications as may be prescribed by the board of supervisors for admission to the college classes of said University and Agricultural and Mechanical College; and shall cause the beneficiary so selected to report in person at said institution on or before said 5th day of October; provided, that said beneficiary cadet shall be selected from the number of those residents of said parish or of said city, who have not themselves, nor have their parents, the means of defraying the whole of their necessary expenses of maintenance and support of said institution, which facts shall be duly certified to the president of said institution, by the president of said police jury, or said city council of New Orleans, as true, to the best of his knowledge and belief.

246-c. (Authority of the Police Juries, and City Council of New Orleans to Appropriate Funds for Beneficiaries.)

For maintenance and board of said beneficiaries in said institution, the police juries of the several parishes and the city council of the City of New Orleans, be and are hereby authorized and empowered to appropriate out of their respective treasuries, a sufficient sum to defray the necessary expenses of said cadets as appointed under the provisions of this act; provided, that the expense of no cadet shall exceed two hundred and fifty dollars (\$250) per annum; provided, that under no circumstances shall any part of this sum be paid by the State.

247. (Recognition of the Degrees Conferred, A. 93, '08.)

Be it enacted by the General Assembly of the State of Louisiana, That all diplomas or degrees, whether literary or scientific, academic or professional, granted by the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College upon the recommendation of the faculty of said institution shall be recognized by the courts and other officials of Louisiana as entitling the graduates holding said diplomas or degrees to the same rights, immunities and privileges in the State of Louisiana as the diplomas or degrees of any other institution of learning whatsoever.

248. (Benefits of the Carnegie Fund Allowed, A. 219, '08.)

Be it resolved by the House of Representatives of the State of Louisiana, the Senate concurring, That the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College is hereby authorized to accept the offer of the Board of Trustees of the Carnegie Foundation to admit State universities to the benefits of the retiring allowance system of said Foundation.

249. (Authority to Charge Tuition Fees, A. 227, '08.)

Be it enacted by the General Assembly of the State of Louisiana, That Section 1 of Act No. 152 of 1902, entitled "An Act authorizing the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College to determine the fees of students or cadets," shall be amended and re-enacted so as to read as follows:

Section 1. That the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College shall have power and authority to determine what fees and other charges shall be paid by students or cadets; provided, that no fee for tuition shall be charged to any student or cadet who is a bona fide resident of the State of Louisiana unless said student, or cadet be pursuing a special graduate, or professional course of study.

250. (Establishing a Chair of Forestry, A. 242, '08.)

Be it enacted by the General Assembly of the State of Louisiana, That it is hereby made the duty of the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College at Baton Rouge, La., to establish and maintain a Chair of Forestry in said University for the purpose of teaching the care, protection and conservation of the forests of this State.

251. (Object; to Whom Open, S. 1, A. 73, '92.)

(STATE NORMAL SCHOOL, Act 73, '92; A. 61, '86; A. 23, '88; A. 70, '02; A. 91, '96; A. 158, '02; A. 51, '84. See Constitution, '98.)

The State Normal School, located at Natchitoches, in the Parish of Natchitoches, in conformity with Sections 4 and 8 of Act No. 51 of 1884, shall have for its object to train teachers for the public schools of Louisiana, and shall be open to white persons of either sex or age and qualifications as may be hereinafter prescribed.

252. (Departments and Classes, S. 6, A. 73, '92.)

The State Normal School shall contain two departments, the Normal Department and the Practice School. The course of study of the Normal Department may extend over a period of four years, and shall embrace thorough instruction and training in the history and science of education, the theory and practice of teaching, the organization and government of schools and such other branches of knowledge as may be deemed necessary to fit the students for the varied work of a complete system of public schools. The Practice School shall consist of such grades or classes, with such course of study, as the Board of Administrators may deem useful in giving the Normal students the necessary practice in the art of teaching.

253. (Qualifications for Admission, S. 7, A. 73, '92.)

Applicants for admission to the Normal Department must be at least fifteen years of age if female, and sixteen years of age if male; must give satisfactory evidence of good moral character and of requisite proficiency in the ordinary branches of a good common school education; and must declare in writing their full intention of continuing in the school until graduation, unless sooner discharged, and of teaching in the public schools of Louisiana for at least one year after graduation.

254. (Tuition Free, Except in Some Instances, S. 8, A. 73, '92.)

Tuition shall be free to all students of the Normal Department who fulfill all the requirements imposed by Section 7 of this Act, and to the pupils of the primary grades of the Practice School. All other students shall be charged such fees for tuition as may be prescribed by the board of administrators.

254-a. (Beneficiary Students to State Schools, A. 158, '02.)

Each police jury of the several parishes of the State shall have the right to delegate to the Louisiana Industrial Institute at Ruston, or the Southwestern Louisiana Industrial Institute at Lafayette or the State Normal School, one (1) female student, and the City of New Orleans shall have the right to delegate to said institutions one female student from each ward of said city, said beneficiaries to remain at said institutions until graduated or otherwise discharged; provided no beneficiary shall be permitted to resign without the consent of the board of supervisors of the institute, which consent shall be given only in case of urgent necessity such as serious or long protracted ill health, duly declared by certificate of the physician of such institute or other competent physician, to be of such nature as to render it impossible for said student to pursue her studies with advantage.

254-b. Section 2. Be it further enacted, etc., That the police jury of each parish and the city council of New Orleans, respectively, may at a regular meeting select said beneficiaries subject to and after competitive examination and of such age and qualifications as is prescribed by the rules of such institutes; provided, said beneficiaries shall be residents of such parish or wards who have not themselves nor have their parents the means of defraying the whole of the necessary expenses of maintenance and support at said institute, which fact shall be duly certified to by the president of the police jury or ward of said city.

254-c. Section 3. Be it further enacted, etc., That for the maintenance and board of said beneficiaries at said institutes, the police jury of the several parishes and the city council of New Orleans be, and are hereby, authorized and empowered to appropriate out of their respective treasuries a sufficient sum to defray the necessary expenses of said students as appointed under provisions of this act; provided the expense of no beneficiary shall exceed two hundred and fifty dollars (\$250) per annum.

255. (State Normal School Diplomas, A. 91, '96.)

The Board of Administrators of the State Normal School is hereby empowered to confer diplomas upon all graduates of said school. This diploma shall entitle the holder to a first grade teacher's certificate without examination, and shall be valid in any part of the State for four years from the date of graduation, after the expiration of which time it may be renewed every four years, for the same period, by said Board of Administrators upon satisfactory evidence of the ability, progress and moral character of the teacher making application for such renewal. Furthermore, the diploma of the State Normal School shall entitle its holder to such degree of preference in the selection of teachers for the public schools of the State as may be deemed wise and expedient by the State Board of Education.

Section 2. Be it further enacted, etc., That all laws, or parts of laws, in conflict with the provisions of this Act be and the same are hereby repealed.

256. (Industrial College; Object; Location; Privilege, A. 68, '94.)

(LOUISIANA INDUSTRIAL INSTITUTE, Act 68, '94; A. 158, '02; See Constitution '98.)

An Industrial Institute and College is hereby established for the education of the white children of the State of Louisiana in the arts and sciences. Said Institute shall be known as "The Industrial Institute and College of Louisiana," and shall be located at Ruston, Lincoln Parish, La., provided said town and parish shall donate ten thousand dollars (\$10,000) to said Institute, and the same shall be organized as hereinafter provided. (See Constitution '98, name.)

257. (Branches to be Taught, A. 68, '94.)

The said board of trustees shall possess all the power necessary and proper for the accomplishment of the trust reposed in

them, viz: The establishment of a first-class Industrial Institute and College for the education of the white children of Louisiana in the arts and sciences, at which such children may acquire a thorough academic and literary education, together with a knowledge of kindergarten instruction, of telegraphy, stenography and photography, of drawing, painting, designing and engraving in their industrial application; also a knowledge of fancy, practical and general needle work; also a knowledge of bookkeeping and agricultural and mechanical arts, together with such other practical industries as from time to time may be suggested to them by experience, or such as will tend to promote the general objects of said Institute and College, to-wit: Fitting and preparing such children, male and female, for the practical industries of the age.

258. (Establishment, A. 162, '98.)

(SOUTHWESTERN LOUISIANA INDUSTRIAL INSTITUTE, A. 162, '98; A. 158, '02.)

Be it enacted by the General Assembly of the State of Louisiana, That a State Industrial Institute is hereby established for the education of the white children of the State of Louisiana, in the arts and sciences.

Said Institute shall be known as the "Southwestern Louisiana Industrial Institute," and shall be located in that parish of the 13th Senatorial District which will offer the best inducement therefor to the Board of Trustees, said location to be made by the Board to be appointed under this Act, provided that the parish selected for the location of said Institution shall donate not less than twenty-five acres of land and five thousand dollars to said Institution, and the same shall be organized as hereinafter provided; provided further, that in case two or more of said parishes offer the same inducements then the Board of Trustees shall select, by a majority vote, the most suitable location and make report thereof to the General Assembly of the State of Louisiana, at its next session, together with such recommendations as may be conducive to the best interests of said institution.

259. (Branches Taught, Etc.)

The Board of Trustees shall possess all the powers necessary and proper for the accomplishment of the trust reposed in them,

viz: The establishment of a first-class Industrial Institute for the education of the white children of Louisiana in the arts and sciences, at which such children may acquire a thorough academic and literary education, together with a knowledge of kindergarten instruction, of telegraphy, stenography and photography, or drawing, painting, designing and engraving in their industrial applications; also a knowledge of fancy, practical and general needle-work; also a knowledge of bookkeeping and agricultural and mechanical art together with such other practical industries as from time to time, may be suggested to them by experience, or such as will tend to promote the general object of said Institute, to-wit: Fitting and preparing such children, male and female, for practical industries of life.

260. (Departments of the University, S. 1353, R. S.)

(*TULANE UNIVERSITY OF LOUISIANA, A. 43, '84; A. 94, '90; A. 81, '60; A. 320, '55; A. 267, '55; A. 269, '55. See Constitution, '98.)

The University shall be composed of the following departments or faculties, to-wit: Law, Medicine, the Natural Sciences, Letters and College proper, or Academical Department; all of which, as the resources of the University increase, shall be completed and the administrators, excepting the Medical Department, which shall be composed of and formed by the Medical College of Louisiana, as at present organized and established by law; which said department, as hereafter provided for, shall be engrafted on the University, and be conducted as hereafter directed.

261. (Powers of the Board of Administrators, S. 1354, R. S.)

The administrators shall have the power to direct and prescribe the course of study and the discipline to be observed in the University; to appoint by ballot, or otherwise, the president of the University, who shall hold his office at the pleasure of the board and perform the duties of a professor; to appoint professors, tutors and ushers to assist in the government and instruction of the students, and such other officers as they may

*Tulane University does not belong to the free public school system of Louisiana, but on account of the general benefits extended by its scholarship system, its agreement with the State, its relations as the successor to the "University of Louisiana," and the fact of its being the most distinguished and successful of all the private educational institutions for which special legislation has been enacted. Information of public interest in regard to Tulane is embraced in this compilation.

deem necessary; they being removable at the pleasure of the board. They shall fix the salaries of the president, professors and tutors, in the Academic Department, and fill vacancies in the professorships. Vacancies in the Law or Medical Departments shall be filled from persons first recommended to the administrators by the faculty of the department in which a vacancy may happen. No professor, tutor, or other assistant officer shall be an administrator of the University.

262. (By-Laws and Regulations, S. 1358, R. S.)

They shall have power to make all ordinances and by-laws which to them shall seem expedient for carrying into effect the design contemplated by the establishment of this University, not inconsistent with the Constitution of the United States and of this State, nor with the provisions of their charter. They shall not make the religious tenets of any person a condition of the admission to any privilege or office in the University, nor shall any course of religious instruction be taught or allowed of a sectarian character and tendency.

263. (Literary Honors and Degrees, S. 1359, R. S.)

They shall have the right of conferring under their common seal, on any person whom they may think worthy thereof, all literary honors and degrees known and usually granted by any university or college in the United States or elsewhere. The degree of Bachelor of Law, and Doctor of Medicine, granted by them, shall authorize the person on whom it is conferred to practice law, physics and surgery in this State.

264. (Department of Law, S. 1360, R. S.)

The Department of Law shall consist of three or more professors, who shall be required to give a full course of lectures on international, constitutional, maritime, commercial and municipal or civil law, and instruction in the practice thereof.

265. (Access of the Medical Department to the Charity Hospital, S. 1370, R. S.)

The Medical Department of the University shall at all times have free access to the Charity Hospital of New Orleans, for the purpose of affording their students practical illustrations of the subjects they teach.

265-a. (Scholarships to be Granted.)

In consideration of the vesting of the administration of the University of Louisiana in the said Administrators of the "Tulane Education Fund," of the transfer of the rights, powers, privileges, franchises and immunities of the said university to said administrators and of the exemption from all taxation as herein above provided, the said administrators hereby agree and bind themselves, with the revenues and income of the property heretofore given them by Paul Tulane, Esq., as well as from the revenues of all other property, real, personal, or mixed, hereafter to be held, owned or controlled by them, for the purposes of education, to develop, foster, and maintain, to the best of their ability and judgment, the University of Louisiana, hereafter to be known as "Tulane University of Louisiana," and upon the adoption of the constitutional amendment aforesaid, to perpetually use the powers conferred by this act, and all powers vested in them, for the purpose of creating and maintaining in the City of New Orleans a great university, devoted to the intellectual, moral and industrial education and advancement of the youth of this State, under the terms of the donation of Paul Tulane, and the previous provisions of this act. The said board further agree and bind themselves to waive all legal claim upon the State of Louisiana for any appropriation, as provided in the Constitution of this State, in favor of the University of Louisiana. Besides the waiver of the claim, as aforesaid, as an additional consideration between the parties of this act, the said board agrees to give continuously, in the academic department, free tuition to one student from each senatorial and from each representative district or parish, to be nominated by its member in the General Assembly from among the *bona fide* citizens and residents of his district or parish, who shall comply with the requirements for admission established by said board. The meaning of this provision being that each member of the General Assembly, whether Senator or Representative, shall have the right of appointing one student, in accordance with the foregoing provisions. The free tuition herein provided for shall continue until each student has graduated from the academic department, unless his scholarship has ceased from other cause. Whenever a scholarship becomes vacant, from any cause, the Senator or Representative who appointed the pre-

vious student, or his successor, shall, in the manner prescribed by this section, immediately name a successor.

266. (Establishment.)

(SOUTHERN UNIVERSITY, A. 87, '80; A. 90, '88. See Constitution, '98.)

There shall be established in the City of New Orleans a University for the education of persons of color, to be named and entitled the "Southern University."

267. (Faculty, Degrees, Departments, and Courses.)

There shall be established by said board of trustees a faculty of arts and letters, which shall be competent to instruct in every branch of liberal education, and under rules of, and in concurrence with, the board of trustees, to graduate students and grant all degrees appertaining to letters and arts known to universities and colleges in Europe and America, on persons competent and deserving the same.

There may also be established by said board of trustees a department of law and medicine. The department of law shall consist of three (3) or more learned professors, learned and skilled in the practice of law in this State, who shall be required to give a full course of lectures on international, constitutional, commercial and municipal or civil law and instruction in the practice thereof. The medical department of the university shall consist of not less than three professors. They shall be appointed by the board of trustees from regular practicing physicians of the State. The degree of bachelor of law and doctor of medicine, granted by them, shall authorize the person upon whom it is conferred to practice physics and surgery in this State.

268. (Establishment of the Institution.)

(LOUISIANA STATE SCHOOL FOR THE BLIND, A. 92, '71; A. 49, '88; A. 145, '98, amended by A. 238, '08; A. 166, '98; A. 196, '02.)

There shall be established and maintained, in the town of Baton Rouge, an institution for the education of the blind, to be known as the "Louisiana State School for the Blind."

269. (Objects of the Institution.)

They shall receive, instruct and support in the Institution all persons blind, or of such defective vision as not to be able

to acquire an education in the ordinary schools, between the ages of seven and twenty-two years, of sound mind and proper health of body, and residents of the State. Such persons shall receive instructions and be provided with board, lodging, medicine and medical attendance at the expense of the institution and if in such indigent circumstances as to render it necessary, shall also be furnished with clothing and traveling expenses to and from the Institution upon a certificate to that effect from the president of the police jury of the parish, or the mayor of the city or town, in which they reside.

270. (How Long Pupils May Remain.)

Persons admitted as pupils under fourteen years of age may continue in the Institution ten years; if over fourteen and under seventeen years of age, they may continue eight years; and if over seventeen years of age, they may continue five years; provided the board may in any case extend the term two years.

271. (Institution for the Exclusive Use of the Deaf and Dumb.)

(LOUISIANA STATE SCHOOL FOR THE DEAF, A. 88, '71; A. 166, '98, amended by Act 239, '08; A. 196, '02. See Constitution '98.)

The institution heretofore known as the Louisiana Institution for the Deaf and Dumb and the Blind, located at Baton Rouge, in this State, be and the same is hereby reorganized by the provisions of this act for the exclusive benefit of the deaf and dumb.

That there shall be established and maintained, in the town of Baton Rouge, an institution for the education of the deaf and dumb, to be known as the "Louisiana State School for the Deaf."

272. (Admission of Pupils, A. 166, '98.)

They shall receive, instruct and support in the institution all persons deaf and dumb, or of such defective speech or hearing as not to be able to acquire an education in the ordinary schools, between the ages of eight and twenty-two years, of sound mind and proper health of body, and residents of the State. Such persons shall receive instruction and be provided with board, lodging, medicine and medical attendance at the expense of the Institution, and if in such indigent circumstances as to render it necessary, shall also be furnished with clothing and traveling expenses to and from the Institution, upon a certificate to that

effect from the president of the Police Jury of the parish, or the mayor of the city, or town, in which they reside.

273. (Age of Admission.)

The persons admitted as pupils under fourteen years of age, may continue in the institution ten years; if over fourteen and under seventeen years of age, they may continue eight years; if over seventeen years of age, they may continue five years; provided, the board may in any case extend the term two years.

274. (Branches Taught.)

The institution shall provide all the requisite facilities for acquiring a good literary education, instruction in hygiene and physical culture and an industrial department in which instruction shall be given in such trades as may be best suited to render the pupils self-sustaining citizens.

275. (Gambling Prohibited Near Certain Schools, S. 1, A. 58, '08.)

Be it enacted by the General Assembly of the State of Louisiana, That gambling with cards, dice and all manner of banking games of gambling in any form whatsoever for money or any representative of money within five (5) miles of the Harrisonburg High School, located in Catahoula parish, Louisiana, be and the same is hereby prohibited.

Under acts having the same purpose in view as the section above quoted, gambling has been prohibited near the following schools:

Bernice.....	3 miles, Act 57, '04
DeRidder.....	4 " " 166, '04
Eros.....	5 " " 104, '06
Farmerville.....	5 " " 72, '06
Leesville.....	5 " " 114, '06
Grand Cane.....	3 " " 32, '06
Hickory Grove.....	3 " " 33, '06
Logansport.....	3 " " 31, '06
Marion.....	3 " " 102, '06
Haynesville.....	5 " " 33, '08
Athens.....	5 " " 34, '08
Homer.....	5 " " 36, '08
Harrisonburg.....	5 " " 58, '08
Gonzales High School, Ascension Parish...	3 " " 209, '10

Bienville High School, Bienville Parish...	5	“	“	182, '10
Briceland High School, Bienville Parish...	5	“	“	181, '10
Gibsland High School, Bienville Parish...	5	“	“	178, '10
Kinder High School, Calcasieu Parish....	5	“	“	62, '10
Singer High School, Calcasieu Parish.....	5	“	“	5, '10
Columbia High School, Caldwell Parish...	5	“	“	201, '10
Oak Grove High School, DeSoto Parish...	3	“	“	130, '10
Dubach High School, Lincoln Parish.....	5	“	“	4, '10
Ruston High School, Lincoln Parish.....	5	“	“	4, '10
Goldona High School, Natchitoches Parish.	5	“	“	65, '10
Marthaville High School, Natchitoches Parish.....	5	“	“	305, '10
Hornbeck High School, Vernon Parish....	5	“	“	281, '10
Orange Graded School, Vernon Parish....	5	“	“	230, '10
Pitkin Graded School, Vernon Parish.....	5	“	“	255, '10
Sunny Hill Graded School, Washington Parish.....	3	“	“	72, '10
Oak Grove Graded School, West Carroll Parish.....	3	“	“	202, '10
Atlanta Graded School, Winn Parish....	3	“	“	200, '10
Dodson Graded School, Winn Parish....	3	“	“	138, '10
Winnfield	5	“	“	123, '08
Merryville.....	5	“	“	218, '08
Jena ...	5	“	“	237, '08
Hornbeck.....	5	“	“	257, '08
Mansfield	5	“	“	273, '08

276. (Sales of Liquors Prohibited Near Certain Schools, S. 1, A. 121, '08.)

Be it enacted by the General Assembly of the State of Louisiana, That the sale, either wholesale or retail of spirituous, vinous or intoxicating liquor except for medicinal, mechanical, scientific, or sacramental purposes, within (5) miles of the Mansfield High School located at Mansfield, DeSoto Parish, Louisiana, be, and the same is hereby prohibited.

Under Acts having same purpose in view as section above quoted, the sale of liquors is prohibited near the following schools:

Harrisonburg	5 miles, Act 19, '98
Gibsland.....	3 “ “ 58, '98
Winnsboro.....	5 “ “ 71, '98

Louisiana Industrial Institute.....	5	“	“	74, '98
Colfax	5	“	“	140, '98
Henry.....	1	“	“	141, '98
Fort Jesup.....	5	“	“	174, '98
Amite City.....	5	“	“	102, '98
Montgomery.....	5	“	“	86, '98
St. Amant.....	5	“	“	205, '02
Gonzales	5	“	“	205, '02
Bienville.....	5	“	“	157, '02
Hammond.....	4	“	“	137, '02
Junction City.....	5	“	“	228, '02
Leesville.....	5	“	“	207, '02
Minden	5	“	“	219, '02
Greensburg.....	5	“	“	20, '02
Pearlington	5	“	“	142, '02
Logtown	5	“	“	142, '02
Denham Springs.....	5	“	“	62, '04
Georgetown	5	“	“	92, '04
Bernice	3	“	“	34, '04
French Settlement.....	4	“	“	53, '04
DeRidder	4	“	“	160, '04
Sunny Hill Graded School.....	3	“	“	73, '10
Kernan.....	4	“	“	13, '04
Farmerville	5	“	“	76, '06
Franklinton.....	5	“	“	111, '06
Gorman	5	“	“	153, '06
Kentwood.....	4	“	“	142, '06
Lottie	1½	“	“	181, '06
Marion.....	3	“	“	89, '06
Plain Dealing.....	5	“	“	106, '06
Verda	5	“	“	127, '06
Many.....	5	“	“	105, '06
Benton.....	5	“	“	46, '08
Haughton	5	“	“	47, '08
Mansfield.....	5	“	“	121, '08
Louisiana State Normal School.....	6	“	“	193, '08
Hornbeck	5	“	“	256, '08
Jonesville.....	1	“	“	259, '08
Eros	5	“	“	290, '08

Orange.....	5	“	“	302, '08
Ponchatoula	4	“	“	278, '10
Colfax	5	“	“	313, '10

SYLLABI OF IMPORTANT SCHOOL DECISIONS OF
THE SUPREME COURT.

277. (Levying Taxes for Schools.)

The board of directors for the Public Schools of New Orleans have the control of school funds placed to their charge for the maintenance of the schools. It devolves upon this board to compel corporations to comply with their ordinances levying taxes for the schools, if they fail to comply with their obligation in this respect.

277-a. (Boards Have Authority to Institute or Defend Suits.)

The board of directors have authority to stand in judgment; to institute or defend suits. The creditor of the school board has no right of action against the City of New Orleans to compel the city to recognize the validity of his claim.

277-b. (Certificates of Indebtedness.)

School certificates of indebtedness issued by the board of directors of the public schools for the years 1874, 1875 and 1876, are not debts of the City of New Orleans, and actions for the purpose of having them recognized as valid claims can be maintained against the school board, as it is authorized to pass on the validity of the evidence of indebtedness of every one who alleges that he is a creditor

The City of New Orleans turns over amounts collected for schools to the treasurer of the school board. This officer notes the taxes of different years and applies the amount to the payment of certificates from the taxes of these years from which the creditors are entitled to payment. (Fisher et al. vs. School Directors, 184, 44th Ann.)

The payment of school certificates, issued by the city council of New Orleans, out of the proceeds of the bond issue authorized by Acts 1890, p. 144, No. 110, was subject to the prior vested rights of creditors of the city, and, if the fund was insufficient to pay both, the remedy of the certificate holders is legislative and not judicial. (State ex rel. Wilder vs. Board of Liquidation of the City Debt, 115th Ann., 471.)

278. (Ex Contractu—Obligation.)

The obligation of the Treasurer of the School Board of Union Parish to account for funds received by him, is *ex contractu* and fiduciary in its character, and is only barred by the prescription of ten years. (32d Ann., 793, Board of School Directors of Union Parish vs. J. E. Trimble.)

279. (Free School Bonds.)

The sale of bonds constituting a part of the "free school fund," made in virtue of Act No. 81 of 1872, was utterly null and void, and conferred no title on the purchaser, and no future assignee of the purchaser, who took the bonds in good faith, for value, and before their maturity, could acquire a title to them.

Bonds that are a part of the assets of the "free school fund" are consigned by law to the custody of the Secretary of State and Auditor of Public Accounts, and those officers have a right to claim their possession in whatever hands they may be found. And this right is not affected by the prescription of three years. (31st Ann., 115, Sun Mutual Insurance Company vs. Board of Liquidation, Secretary of State and Auditor, Intervenors.)

280. (Recovery of Funds.)

Where a mistake has been made by the State Treasurer in announcing to the State Superintendent of Public Education the amount of funds for apportionment among the educable children of the State, but before the apportionment could be canceled the school directors of Orleans had received their quota under it, when the true sum has been ascertained and announced to the superintendent, and a revised apportionment is to be made, it is proper that the superintendent should take into account, when apportioning to Orleans, the sum already improperly paid to her under the mistake, and which payment has been made in consequence of that mistake. (36th Ann., 214, The State ex rel. Board of School Directors, etc., vs. E. H. Fay, Superintendent, etc.)

A school board organized according to law has a right to stand in court to claim from another school board likewise constituted, school funds which should have been paid to it by the State authorities and which were illegally paid out to the latter. A receipt therefor would exonerate the debtor board.

If the funds are not in kind in the possession of said board, but can be traced to property in which they have been invested by such board, the property itself can be recovered in place of the funds which it represents.

An action to recover under such circumstances is not barred by the prescription of five years or less. (36th Ann., 806, School Board vs. School Board.)

280-a. (School Boards Not Required to Apportion School Funds.)

The repeal (of Sec. 7, Act 81 of 1888, providing for the apportionment of school funds) is express, because Act 214 of 1902 repeals all laws in conflict; and this provision for apportionment is in conflict with the provisions making it obligatory upon the School Boards to "determine the number of schools to be opened, the location of the schoolhouses, the number of teachers to be employed, and their salaries." The latter provision invests the School Board with absolute discretion in the matter of what number of schools there shall be, and what number of teachers and what their salaries shall be. For the exercise of this discretion, a discretionary control of the school funds is absolutely necessary; because schools cannot be established and maintained without funds. Discretionary control of the one, necessarily carries with it discretionary control of the other. (State ex rel. J. W. Martin et al. vs. Webster Parish School Board. May 23, 1910.)

281. (Sale of Warrants.)

Under the authority of the Board of School Directors of a parish, the treasurer of the board may make a valid sale of the warrants of the State which represent that portion of the interest on the free school fund due to said parish. (31st Ann., 158, Board of School Directors of Concordia Parish vs. Hernandez.)

281-b. (School Lands, Tender, Etc.)

The residents and alleged taxpayers in a township in whom is vested the title of the sixteenth section for the maintenance of the schools, have the right to invoke an interposition of the court to annul the sale of this section.

Tender as a prerequisite to the suit cannot be required. The price was not received by the plaintiffs. No title passed to the adjudicatee of the property.

The amount should be returned by the authority by which it was received. In the meantime plaintiffs can prosecute their suit to have the sale annulled.

The general government donated the sixteenth sections to the townships and authorized their sale, with the consent of the inhabitants residing within their respective limits. The legislative department of the State in compliance with the conditions of the grant, adopted laws requiring elections to be held to ascertain the will of the majority of their voters residing within the townships and providing certain prerequisites for the sale. An election not having been held in the township, the return of the election not being sustained at all, the adjudication made was null.

The sixteenth section offered for sale should bring its appraised value, which may not be less than \$1.25 per acre. (44th Ann., 365, Telle et al. vs. School Board et al.)

“The minimum price of school lands is one dollar and a quarter per acre.” (School Directors vs. Coleman, 14th Ann., 186.)

282. (Suretyships.)

Where the sureties on a five-thousand-dollar bond are jointly sued for an amount aggregating two thousand dollars, this court will have jurisdiction, although the demand against each surety is less than \$500. (31st Ann., 279, State ex rel. School Board, Parish of St. Tammany vs. Cousin, et al.)

Where the plaintiff who sues the sureties on an official bond alleges the hopeless insolvency of the principal, the sureties will not deprive themselves of the right of discussion, to which they are entitled under the law, by pleading an exception that admits the truth of the averment of insolvency.—*Ib.*

When the principal and sureties on an official bond are sued together, the judgment is *res adjudicata* as to the sureties, and within the limit of the amount for which they are held under the terms of their bond, they are bound to make good the entire judgment against the principal, including the penalty. (4th Ann., 705, Eastin and Breaux vs. Board of School Directors.)

283. (Treasurer and Sureties.)

“Principal and sureties are not protected by urging that the treasurer has not taken the oath of office. It is presumed that

he has taken the oath when he has discharged for some time the functions of his office.”

“The sureties by signing the bond admitted the capacity of the principal.”

“The rights of the sureties as against their principal not having been impaired, they cannot complain of his acts, his omission or commission. (School Directors vs. Judice and others, 30th Ann., 897.)

The parish treasurer having defaulted, judgment is obtained against him, and the court holds as against his sureties that the judgment against the principal is *res adjudicata*, as to the sureties, and within the limit of the amount for which they signed and obligated themselves as sureties. They are bound to make good the entire judgment against the principal, including the penalty

“The sureties are liable for the five per cent per month penalty imposed upon a defaulting treasurer.” (7th Ann., 131; 10th Ann., 492; 14th Ann., 679; Hazard Eastin et al. vs. School Directors, 40th Ann., 706.)

284. (Suits by State Superintendent.)

“He has no authority to appear in person, nor to be represented by counsel of his own selection. In any suit in which he may be a party, he must be represented by the Attorney General or District Attorney.” (Fay vs. Burke, Treasurer, 35th Ann., 369.)

285. (Discipline.)

Moderate restraint and correction of a pupil by a teacher is not an offense, but is authorized by law, and the authority of the teacher is not limited to the time the pupil is at the school-room or under the actual control of the teacher. (Bolding vs. Texas, 4 S. W., 579.)

“The teacher is *loco parentis*, and authority is necessarily surrendered to him for proper government of the school.” (Morrow vs. Wood, American Law Register, N. S. X. 3, 692.)

Relative to punishment, the calm and honest judgment of the teacher, as to the requirement, should have great weight in matters of discipline as in the case of a parent under similar circumstances. (American Law Register, Van Vacter vs. State; July number, 1888. Discipline in School.)

It is the duty of a teacher to maintain proper discipline in school, and the extent of his authority in that direction is discussed. (Law Register, N. S. Vol. XIII, p. 716.)

286. (Branches of Studies.)

Certain studies are required to be taught in the public schools by statute. The rights of one pupil must be so exercised undoubtedly as not to prejudice the equal rights of others. (Morrow vs. Wood, 13 American Law Register, p. 694.)

NOTE.—The State Board of Education has adopted certain studies to be taught in the free public schools. The local boards have the authority of carrying out the rules and regulations of the State Board. The studies are subject to their control, also all questions relating to grading of schools, and to the schools the pupils should attend when there are several schools in the same town or locality. In this, however, due regard should be had for the wishes of the parents, but the parish board is the authority, subject to such appeal as the law provides.

287. (School Property Exempt From Seizure.)

Property dedicated to the use, and belonging to public schools, or employed by municipal corporations for the purpose, shall be exempt from seizure. (R. S. 1320.)

288. (Sixteenth Sections, and Court Decisions Respecting Them.)

Under the general laws, and where the township is surveyed in square sections, every sixteenth section is reserved as school land, in fractional or irregular townships on water courses, the Secretary of the Treasury is required by law to select and designate the school lands. (Board vs. Rollins, 33 Ann., 424; Bres vs. Louviere, 37 Ann., 736.)

By issuing an indemnity school warrant the State parts with what title in the public domain it could by location have secured. The divestiture is complete when the location is approved, and on return and surrender the Governor issues a patent.

NOTE.—Whenever the township is not surveyed in square sections, but is a fractional or irregular township on a water course, or for other cause is fractional or irregular, the school authorities should see that the selection is legal, or that proper selection and location are made.

(Board Without Authority to Sue for Revendication of School Lands.)

The board of school directors of a parish are without authority to bring suit for the revendication of land donated by Congress to the State for public school purposes, and sold under a law of the State, unless empowered to do so by a legislative act. (Board of School Directors of Concordia vs. Ober, 32d Ann., 417.)

(NOTE.—Act No. 158 of 1910 has given boards authority to bring suit. See § 189-a of this compilation.)

(School Boards Not Authorized to Sell or Lease Timber at Private Sale.)

Under Rev. Stat. 1870, paragraphs 2958, 2959, 2960, 2962, parish school boards have no power whatever to sell or lease at private sale timber on the sixteenth section; a conditional power to lease only being conferred by section 2962. (Stat ex rel. Hopkins vs. Stark, 11th Ann., 954.)

NOTE.—Act No. 54 of 1910, Regular Session, amended Sec. 2962 of R. S. See Comp. School Laws, 7th Comp., par. 189.

289. (One of the Powers of the Examining Committee.)

Committees have a right to refuse to examine a teacher as to literary qualifications if they are dissatisfied with his moral character. (Case of Layton E. Seames School Committee of Conventry.)

290. (Privileged Communications.)

A communication representing that a certain person was of bad moral character and wholly unfit to teach and have the care of a school made to the proper authority for the sole purpose of preventing the issue to the person so charged of a license to teach school, is held to be a privileged communication and not actionable. (Wiman vs. Mabee, 45 Michigan, 484.)

An action will not lie on a communication relating to personal character, if made in good faith and for an honest purpose by persons concerned and to the proper person.

Nor will it lie when such a communication is untrue, if it is not maliciously made.

291. (An Excerpt From Blackstone.)

The last duty of parents to their children is that of giving them an education, suitable to their situation in life; a duty pointed out by reason of the greatest importance.

“For, as Puffendorf well observed, it is not easy to imagine or allow that a parent has conferred any considerable benefit upon his child in bringing him into the world, if he afterwards entirely neglects to culture his education, and suffers him to grow up like a mere beast to lead a life useless to others and shameles to himself.”

“Yet the municipal laws of most countries seem to be defective on this point, by not constraining the parent to bestow a proper education upon his children.”

“Perhaps they thought it punishment enough to leave the parent, who neglected the instruction of his family, to labor under those griefs and inconveniences which his family so uninstructed will be sure to bring upon him.”

292. (Discharge of an Officer.)

“To obtain his discharge, an officer should obtain a clear receipt from the board of school directors, in so far as he has incurred any responsibility as an officer in which the said board is concerned.” (33d Ann., 709; State ex rel. vs. Sheriff.)

293. (Rate of Compensation to Teachers.)

The compensation of teachers not being fixed by statute, they must be paid either according to their contract with the School Board or upon a *quantum meruit*. (Offut vs. Bourgeois, 13th Ann., 607.)

294. (Illegal Charges.)

“The School Board cannot allow charges in violation of the law. Their action is *ultra*, and is not susceptible of ratification. Settlement made is not conclusive.” (School Board vs. Trimble, 32d Ann., 1073.)

295. (Rules and Regulations.)

“The various School Boards and other educational authorities of the State have, when the statutes are construed in connection with the incidental powers, which the law gives all corporations, the power to adopt rules and regulations for the schools under their control.” (Fertelle vs. Mischerer, 11 N. E., 605—Indiana.)

296. (Police Jury Tax for School Purposes.)

“Act 64, of 1906, in limiting taxation, ‘for ordinary parochial purposes’ to eight mills, has no application to taxes levied for school purposes, and a police jury may levy taxes, for ordinary parochial purposes, up to the limit so fixed, provided the aggregate rate, including the tax levied for school purposes, does not exceed the ten mills limit, ‘for all purposes, whatsoever,’ fixed by article 232 of the Constitution.” (John B. Murphy et al. vs. The Police Jury, St. Mary Parish, Louisiana.)

296-a. (District Attorneys Not Entitled to 20 Per Cent Commission on Fines.)

Syllabus: Whilst it is well settled that repeals by implication are not favored, it is equally well settled that, in determining whether one law conflicts with another, it is necessary to consider the purposes of both, and if it appears that the purpose of the law last enacted is to cover the whole subject matter dealt with by and to modify or supersede those previously enacted, their modification or supersession results and must be declared.

2. The purpose of Act No. 96 of 1880 was to deal with the whole subject of the duties and compensation of district attorneys, and whilst there may have been some provisions of the then existing law which escaped its operation, it so modified and superseded that law as to preclude any recovery by the district attorneys of the one-fifth part of the fines imposed, after deducting the commission of the sheriff, in addition to the fee provided by section 3 of said act.

3. Articles 125 and 180 of the Constitution, whether taken separately or together, are not susceptible of the construction that they intend to allow district attorneys to collect commissions, as contradistinguished from fees, or fees, save as provided for by the Constitution itself.

It is therefore ordered, adjudged and decreed, that the judgment of the Court of Appeal which is here made the subject of review be annulled; that the judgment of the District Court, which was thereby affirmed, be likewise annulled, avoided and reversed, and that relator's demand be rejected and this proceeding dismissed at his cost. (State ex rel. Edwin Broussard, District Attorney, vs. George Henderson, Sheriff, 120 Ann., 535.)

296-b. (Municipal Corporations Are Liable for Amounts Budgeted for Any Purpose.)

The amount placed on the budget for the annual expenses of a municipal corporation, when collected by the taxes levied for such expenses, must be applied to the purposes specified in the budget, and the corporation will be liable for any diversion of such amounts. (36th Ann., 636.)

(Prescription of One Year Does Not Release Corporation From Liability.)

Funds raised by taxation for such purposes are trust funds, and the prescription of one year will not protect the corporation from liability for the taxes thus collected. (School Directors vs. City of Shreveport, 47 Ann., 1310.)

296-c. (Estimate Furnished by School Board Not Controlling on City.)

Estimate furnished to the City of New Orleans by the school board of the amount needed to meet expenses of the school for the year was not controlling on the city, except to the minimum amount provided by Laws 1873, p. 73, No. 36. (State ex rel. Fisher vs. City of New Orleans, 121st Ann., 762.)

296-d. (Election of Superintendent by One Body Binding on Successors.)

Where the successor of a parish superintendent of education has been elected under Acts 1902, p. 406, No. 214, paragraph 8, as amended by Acts 1908, p. 49, No. 49, the parish board of school directors as subsequently constituted is without authority to elect another person for such term. (State ex rel. Wilson vs. Hardin, 123d Ann., 736.) (See Appointment of Supt., Laws 1910.)

296-e. (Taxes Collected for School Purposes Must Be Turned Over to School Board.)

Taxes collected for school purposes should be turned over to the school board from time to time as received. (Parish Board of School Directors of Iberia Parish vs. Police Jury of Iberia Parish, 123d Ann., 416.)

(Property Exempt From Taxation by Constitution Also Exempt From Special School Tax.)

The special school tax authorized by Constitution Art. 232. is not a special assessment, and property exempt from taxation by the Constitution is not subject to it. (Louisiana & N. W. R. Co. vs. State Board of Appraisers, 120th Ann., 471.)

(Contest of Elections Barred After Three Months.)

An action to contest an election on the question of issuing bonds for school purposes *held* barred for three months after promulgation of the result by Act No. 106 of 1892. (Folse vs. Police Jury, 125th Ann., 603.) (See also S. 17, Act 256 of 1910.)

The court held to have erred in disposing of the case on its merits on a trial of exceptions. (Folse vs. Police Jury, 125th Ann., 603.)

(Special Taxes May be Voted on the Assessment of Current Year at Any Time.)

Special school taxes may be voted and levied at any time on the assessment of the current year. (Argyle Planting & Mfg. Co. vs. Connely, 125th Ann., 685.)

(Contests of Special Tax Elections Under Constitution of 1879 Are Valid Under Constitution of 1898.)

Act No. 106 of 1892, providing for the contest of special tax elections under Constitution of 1879, Art. 209, held to apply to similar elections under Constitution of 1898, Art. 232. (Waggner vs. Police Jury Parish of Jefferson, 125th Ann., 863.)

(Bond Issues Authorized by Art. 281 Do Not Apply to Special Tax Elections Under Art. 232.)

Constitution of 1898, Art. 281, authorizing municipal corporations to issue bonds after an election for the purpose, *held* not to apply to special tax elections under Art. 232. (Waggner vs. Police Jury Parish of Jefferson, 125th Ann., 863.)

The three months' prescription provided by Act. No. 106 of 1892, *held* to cure all irregularities and illegalities in special tax election proceedings. (Waggner vs. Police Jury Parish of Jefferson, 125th Ann., 863.)

(Members of Partnership Entitled to Vote Upon Firm's Assessment in Special Tax Elections.)

Individual members of a partnership held entitled to vote upon the firm's assessment in a special tax election held under Constitution Art. 232. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

(Persons Not Entitled to Vote Upon Assessment of Property Sold.)

A person appearing as owner of property on the assessment rolls, but who has sold it when an election was held under Constitution Art. 232, *held* not entitled to vote thereat. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

(Special Tax Not Set Aside by Legal Votes Cast Without Proper Evidence.)

A special tax election under Constitution Art. 232, *held* not to be set aside because the commissioner of election received votes

without proper evidence, where such votes were legal. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

(Contest of Special Tax Election.)

A person contesting the result of an election held under Constitution Art, 232, on specific grounds, *held* limited to those grounds. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

(Right of Widows to Vote Community Property.)

To entitle widows to vote at a special tax election held under Constitution Art. 232, as owners of community property, their rights must clearly appear by judgment or order of court. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

(School Houses, as Such, Built by Means of Special Tax, Can Not be Converted Into Theatre.)

Citizens who have voted to tax themselves for a specific work of public improvement, the value of which is fixed at \$20,000, have a standing in court to complain that the property acquired is not being used for the purpose contemplated, and this court, in such a case, has jurisdiction of the appeal. Where a vote has been taken upon a proposition to impose a tax to build a schoolhouse, and has been favorably acted on, and a building has been constructed with the proceeds of bonds predicated upon such a tax, it would be a breach of faith to allow such building to be converted into a theatre, or to be used for the purpose of giving theatrical performances, as a business, whether in combination with its use for school purposes or otherwise. It is, however, within the discretion of the municipal authorities having control of the property to make such casual and incidental use of it as may not be inconsistent with, or prejudicial to, the main purpose for which it was acquired; and changed conditions, in the future, may justify its use for some other purpose. (Sugar vs. City of Monroe, 108th Ann., 677.)

(On the Manner of Endorsing Ballots in Special Tax Elections.)

Under Constitution Art. 232, and Acts 1898, p. 200, No. 131, where, at an election to determine as to the levying of special taxes for school purposes, it appears that the votes of all the electors in favor of the tax were fixed as to the amounts by one or more of the commissioners, aided by third persons, after the

ballots had been cast, and out of the presence of the voters, and that those who voted against the tax expressed the amounts voted by them on their ballots, and the amounts so voted and ballots exceeded those cast in favor of the tax, the proposition to levy the tax is defeated. (Bennett vs. Staples, 110th Ann., 847.)

(Amount of Tax Not Necessary in Petition.)

That a petition for a special election in a school district for the levy of taxes did not set out the amount of the tax does not render the election invalid in view of Acts 1904, p. 317, No. 145, providing for the ratification of all petitions of property taxpayers for the levy of special taxes, under Constitution of 1898, Art. 232. (Baucum vs. Police Jury of Claiborne Parish, 119th Ann., 532.)

(Purpose of Tax Must Be Submitted to Voters.)

Under Constitution Art. 232, the purpose for which a special tax is intended must be submitted to a vote of the property taxpayers entitled to vote under the election laws of the State. (Gruner vs. Police Jury of Claiborne Parish, 119th Ann., 551.)

(Poll Tax Receipts for Two Years Previous to Year of Election Necessary to Vote at Special Tax Elections.)

Under Constitution Art. 232, a voter at a special election must have paid his poll tax for the two years preceding. (Gruner vs. Police Jury of Claiborne Parish, 119th Ann., 551.)

(Restrictions of Art. 270 Relating to Quasi-Public Improvements Do Not Apply to Art. 232 Authorizing Special School Taxes.)

The provisions of Constitution of 1898, Art. 270, as to elections in connection with quasi public improvements, have no application to special tax elections held under article 232 for voting taxes in aid of public schools. (Flores vs. Police Jury of DeSoto Parish, 116th Ann., 428.)

(Assessment Roll Used in Special Tax Elections.)

In a special election voting a special tax in aid of public schools, under Constitution of 1898, Art. 232, the names of the taxpayers and the valuations of property were properly taken from the current assessment of the year. (Flores vs. Police Jury of DeSoto Parish, 116th Ann., 428.)

(Irregularities Not Affecting the Fairness of Elections Do Not Set Aside the Tax Voted.)

A special election for voting a special tax in aid of public schools will not be set aside for irregularities not affecting the fairness of the election. (*Flores vs. Police Jury of DeSoto Parish*, 116th Ann., 428.)

296-f. (Removal of Members of School Board.)

Under Acts 1902, p. 408, No. 214, paragraph 6, a removal of members of the parish board of school directors for "the deplorable condition of the school affairs of the parish" *held* unauthorized. (*State ex rel, Muller vs. Cyr*, 124 Ann., 603.)

(Removal of School Directors by State Board of Education Held Not Removal by Governor.)

Under Acts 1902, p. 408, No. 214, paragraph 6, the removal of school directors by the State Board of Education, *held* not a removal by the Governor; his mere approval of the action of the board of which he was a member not satisfying the statute. (*State ex rel. Muller vs. Cyr*, 124th Ann., 603.)

(Removal of School Board.)

Where a parish school board was removed by the Governor and a new board appointed, the old board could not be dispossessed of their office by the exercise of such power of removal, but only by an intrusion into office suit. (*Jackson vs. Powell*, 119th Ann., 882.)

Members of a parish school board sought to be removed by the Governor *held* entitled to protect their possession of their office by injunction. (*Jackson vs. Powell*, 119th Ann., 882.)

296-g. (School Districts.)

In considering the question of whether compliance with section 11 of Act 81 of 1888 (identical with S. 15, A. 214 of 1902), requiring school boards to divide their parishes into school districts, was sufficiently formal, regard must be had to the connection in which the question is mooted, whether in connection with the mere distribution of school funds, or in connection with the exercise of the taxing power, a much less strict compliance being sufficient in the former than in the latter case. Residents of a school district who do not show that their own children are incommoded, or that their taxes are increased, by the manner in which the boundaries of a school district have

been fixed, are without interest and therefore without right to resist a tax levied in the district, on the ground that the boundaries have not been so fixed as to accommodate the children of the parish. (Burnham et als. vs. Police Jury of Claiborne Parish, 107th Ann., 513.)

296-h. (Chairman of Local Committee Responsible to School Board.

A chairman of a local committee appointed by a parish school board held responsible to the board for unsuitable brick contracted for, under Civil Code, Arts. 3002, 3003. (Parish Board of School Directors vs. Alexander, 125th Ann., 808.)

**RESOLUTIONS AND RULINGS OF THE STATE BOARD
OF EDUCATION.**

297. (Approved High Schools of Louisiana.)

Abbeville	Gibsland	Moreauville
Alexandria	Grand Cane	Morgan City
Amite	Grand Prairie	Napoleonville
Arcadia	Gretna	Newellton
Athens	Gueydan	New Iberia
Bastrop	Hammond	Oakdale
Baton Rouge	Harrisonburg	Oak Grove
Baywood	Haughton	Opelousas
Bellevue	Haynesville	Patterson
Benton	Hornbeck	Pelican
Bernice	Houma	Plain Dealing
Bienville	Independence	Pleasant Hill
Boyce	Iota	Rayville
Breaux Bridge	Jeanerette	Robeline
Bunkie	Jena	Shreveport
Campti	Jennings	Slidell
Central	Lake Arthur	Spring Hill
Cheneyville	Lake Charles	Stonewall
Clinton	Lake Providence	St. Francisville
Colfax	Lecompte	St. Joseph
Columbia	Leesville	St. Martinville
Coushatta	Logansport	Tallulah
Crowley	Longstreet	Verda
Denham Springs	Lutcher	Vidalia

DeRidder	Mansfield	Ville Platte
Dodson	Many	Vinton
Donaldsonville	Marion	Wallace
Dutchtown	Marksville	Washington
Eros	Marthaville	Welsh
Eunice	Melville	Winnfield
Evergreen	Merryville	Winnsboro'
Farmerville	Minden	White Castle
Franklin	Monroe	

298. (Regulations for the Establishment of High Schools.)

For a school to be recognized as a high school the following requirements are necessary:

1. Title to the property on which the school is located must be vested in the parish board of education.

2. The parish board of education must pass a resolution establishing such a school as a high school.

3. All the schools in the parish where the high school is desired to be established must run for seven months.

4. The course of study must, taken with the lower grades, cover eleven years. (There must be an eleventh-year class.)

5. Copy of the title to the property, copy of the resolution passed by the Parish Board, certificate that the schools of the parish are run for seven months (except where a sufficient special tax has been voted for maintenance of said school), and copy of resolution of Parish Board to the State Board of Education asking that such school be made a high school, must be forwarded to the State Board of Education for their consideration and approval or disapproval.

6. Resolved: That an "Approved High School" shall follow the State Course of Study.

7. Resolved: That the minimum length of session for such school shall be nine months.

8. Resolved: That the minimum length of recitation periods for high school subjects shall be forty minutes.

9. Resolved: That the teaching force shall be adequate, and shall in every case consist of at least two teachers, each of whom shall be engaged exclusively in work above the seventh grade.

10. Resolved: That the principal of such school shall devote at least two recitation periods a day to supervision.

11. Resolved: That the inductive sciences, physics, chemistry, and biology shall be taught by the individual laboratory method, the apparatus to cost not less than \$300: \$150 for physics; \$75 for chemistry; \$75 for biology. All apparatus shall be kept in cases provided with glass doors.

12. Resolved: That lists of such apparatus purchased shall be submitted to the State Board of Education for approval.

13. No high school shall be approved or maintained with an attendance of fewer than twenty students in the high school department, provided that this ruling shall not prevent each parish from maintaining at least one high school.

14. No school shall be approved in which the work of the most advanced class is deficient in more than one subject. (To meet this requirement, it is practically essential that the biological laboratory and a school library be installed in a school one session in advance of that in which the school seeks to be approved. Students in most advanced class may, however, when possible, make up deficiencies during the summer.)

15. Application for approval as a high school shall be made to the State Board of Education no later than April 1, of each year, in advance of the school session in which the school desires recognition.

16. No teacher holding lower than a first grade certificate shall be employed in State approved high schools.

17. Buildings for high schools shall be suitable; that is, proper classroom space and furnishings shall be provided for the work of these schools.

18. New schools submitting before October 1, of each year, sufficient data showing that the foregoing requirements are being complied with shall receive their pro rata amount of the State appropriation for "Approved High Schools."

Recommendation.

High schools shall be taught by college trained teachers, and teachers in high schools who do not hold college degrees should be working towards a degree. (February 17, 1911.)

299. (Compulsory Examinations.)

Resolved: That while it is the sense of this board that the provisions contained in Section 57 of Act 214 of 1902 are still in force, that none the less the parish superintendent has the

right of requiring teachers whom he deems incompetent and inefficient and whom he has the power to remove under the 50th section of said Act, to be examined with a view of testing their qualifications and fitness. (April 1, 1891.)

300. (Examinations; Time; Directions, Etc.)

Be it resolved: (a) That the examination for public school teachers' certificates shall be held during the months of June and December of each year, and at no other time during the year. (August 11, 1904.)

(b) That the State Superintendent of Public Education prepare a set of questions covering all the subjects required by law, and furnish to the superintendent of each parish, a sufficient number of copies of these official question lists for use in the examinations, and that no other questions shall be used in said examinations; said questions to be sent out from the superintendent's office so as to reach the several parishes simultaneously, and to be used only once, and only on the dates named above.

(c) That the value of each question be indicated by the State Superintendent, and that a list of answers showing what would be a fair amount of information to be elicited by each question, be prepared by the superintendent and furnished to examining board of each parish board, for the purpose of establishing a uniform value to the certificates granted in each parish.

(d) That the same question lists be used in examinations of teachers for all grades of certificates, the several grades of certificates being graded according to the percentages made by the candidates.

(e) That the superintendent of each parish furnish to the State Superintendent within two weeks after each examination, a list of all persons examined, with their postoffice addresses, the grade received and the grade of certificate granted to each candidate. (See law relating to remittances of \$1.)

N. B.—Examiners will please mark each answer on the scale of 10 for perfect. (August 20, 1892.)

301. (High Schools.)

Resolved: That the State Board of Education call the attention of the parish boards to the necessity of establishing high schools wherever the grade of students justifies it, as the State

Board of Education believes that the establishment of a number of high schools in the State will contribute powerfully to build up both the public school system and colleges and universities. (August 19, 1892.)

302. (Collection of Poll Tax.)

Resolved: That the State Board urge the parish school boards to insist upon a full and complete collection of the poll tax, and upon failure of the sheriff to report as the law directs that suits be instituted against the tax collector for entire amount of the roll as the law directs in Sections 2 and 3 of Act 89, approved July 2, 1888. (August 19, 1892.)

303. (Normal and Other Graduates.)

Resolved: That the several parish boards, committees on teachers, and parish superintendents throughout the State are urged to use their best endeavors to secure the services of competent teachers; that many graduates of our State Normal School and of other colleges entitled to a preference in the employment of teachers, desire positions in our schools, many of whom have applied to our State Superintendent for employment, who will furnish their names and addresses on application, and we urge the local authorities to secure the services of such teachers as the best means of advancing the educational interest of the children of the State. (August 19, 1892.)

304. (Penalty for Not Recognizing Normal Graduates.)

Resolved: That the State Superintendent of Public Education be and is hereby ordered and directed to report to the Governor any school board or members of school boards who fail to give preference to graduates of the State Normal School or other schools and colleges of good standing as directed by resolution of this board passed August 19, 1892, or who fail to remove their parish superintendents who are inefficient, unfaithful or negligent in the discharge of their duties, and the Governor is hereby requested to remove such boards or members, subject to the ratification of this board as approved by Section 2 of Act 29, of 1892. (October 19, 1892.)

305. (Neglect of Duty to be Reported.)

Resolved: That it is necessary, that the parish school boards and the parish school superintendents shall rigidly adhere to the laws governing the public schools, and where any neglect or

violation of laws by any parish superintendent, or any of the provisions of such public school laws, shall come to the knowledge of the State Superintendent of Public Education, he shall at once report the facts to the Governor of the State, with the request that he remove such delinquent under the provisions of Section 2 of Act 29 of 1892, amending and re-enacting Section 8 of Act 81 of 1888. (October 19, 1894.)

306. (Uniformity of Text-Books.)

Whereas, the law provides under Section 3, of Act 81 of 1888, that a uniform series of text-books shall be used in the public schools, and

Whereas, this requirement has the merit of system and is in line with strict economy, and its wisdom has been thoroughly established by experience, therefore

Be it resolved: That it shall be the duty of the superintendents in the several parishes to see that this rule is faithfully enforced and that the text-books adopted or recommended by this board, and none others, are used in the public schools throughout the State.

Resolved further: That a breach of the law requiring the use of uniform text-books as above stated, after notice by the parish superintendent, shall be deemed sufficient grounds for the summary dismissal of any teacher in the public schools. (June 29, 1897.) (Amended by law of 1910.)

307. (Regulating the Price of School Books.)

Whereas, complaint has been made that some of the local dealers in school books in the country have been charging more than the contract price for text-books selected for use in the public schools, therefore

Be it resolved: That it shall be the duty of the parish superintendents in the several parishes to post in a conspicuous place in the schoolrooms printed schedules of prices at which it has been agreed to furnish the books, and the patrons of the schools shall be notified by him that they can obtain from the publishers through the parish superintendents, for cash, at these prices, in case any additional charges are made by local dealers.

Resolved further: That the State Superintendent of Public Education shall forward to the parish superintendents these printed price lists. (October 19, 1894.)

308. (Superintendents Enforce Use of Text-Books.)

Resolved: That it shall be the duty of the parish superintendents in the several parishes to see that the laws and resolutions relative to the State adoption of text-books are faithfully enforced, and that the text-books adopted or recommended by the State Board of Education, and no others, are used in the public schools throughout the State. (March 20, 1905.)

308-a. (Regulating Sale of School Books.)

Be it resolved: That the Depositories appointed by this board are prohibited from in any way invalidating by their actions the contracts entered into by the board and the several publishing houses. (October 19, 1894.)

309. (Members of School Board Not to Teach in Their Parish.)

Be it resolved, That it is the sense of this board that persons engaged in teaching in the parish public or private schools of Louisiana shall not be selected or appointed to membership on the parish school board of the parish in which they are engaged in teaching; and, be it further resolved, that a member of a parish school board now teaching, or accepting the appointment as teacher, in the said parish public or private schools of Louisiana, shall resign his position as a member of the parish school board of the parish in which he has accepted an appointment as teacher aforesaid. (August 11, 1904.)

310. (Qualifications of the Parish Superintendent.)

Be it resolved: That the attention of parish school boards is directed to Section 8, Act 167 of 1904, wherein the qualifications of parish superintendents are stated, to-wit: "He shall be a person of high moral character, and a practical educator." Boards shall strictly conform to the purpose and intent of these qualifications to the end that the best practical school supervision, as well as the services of a competent secretary of the board, may be guaranteed in the person of parish school superintendent. (August 11, 1904.)

311. (Teachers' Certificates; Subjects Required.)

Resolved: That the State Superintendent shall be guided by the following regulations when preparing questions for teachers' examinations:

To obtain a third grade certificate the applicant must average 75 per cent or more and not fall below 40 per cent in any subject required for a third grade certificate. Applicants for a third grade certificate shall be examined in the following studies: (1) Spelling, (2) Reading, (3) Penmanship and Drawing, (4) Arithmetic, (5) English Grammar, (6) Geography, (7) U. S. History, (8) Constitutions of Louisiana and of the United States, (9) Physiology and Hygiene, (10) Theory and Art of Teaching.

Applicants who hold third grade certificates and who apply for second grade certificates shall be examined in the following subjects and shall be required to make an average of not less than 80 per cent, and no certificate shall be granted where a grade in any subject is below 50 per cent: (1) Grammatical Analysis, (2) Physical and Political Geography, (3) Elementary Algebra, (4) Theory and Art of Teaching, (5) Arithmetic, (6) United States History, (7) Agriculture (Elementary Science), (8) Reading, (9) Constitutions of Louisiana and the United States, (10) Spelling.

To obtain a second grade certificate, applicants holding no certificates shall be examined in the following additional subjects: Penmanship and Drawing, Physiology and Hygiene.

Applicants holding second grade certificates, when applying for a first grade certificate, shall be examined in the following subjects: They shall be required to make an average of not less than 85 per cent, and they shall not fall below 50 per cent in any subject: (1) Higher Algebra, (2) Physics, (3) Geometry, (4) Penmanship and Drawing, (5) Theory and Art of Teaching, (6) English Grammar and Composition, (7) Arithmetic (Written and Mental), (8) Political and Physical Geography, (9) U. S. History, (10) Agriculture (Elementary Science).

(a) An applicant for a first grade certificate who holds a third grade certificate must in addition to the first grade subjects take the following second grade subjects: Reading, Constitutions of Louisiana and the United States, Spelling.

(b) An applicant for a first grade certificate who holds no certificate nor is a graduate of an institution authorized to issue diplomas must in addition to the first grade subjects take up the following third grade subject: Physiology and Hygiene;

and also the following second grade subjects: Constitutions of Louisiana and the United States, Spelling.

(Resolution of January 7, 1910.)

312. (Parish Superintendents Not to Engage in Teaching.)

Be it resolved: That no parish school superintendent shall engage in teaching in any of the parish public schools under his supervision during his term of office as superintendent. This resolution is not to be construed so as to prevent a parish superintendent from being the supervising principal of any of his parish high schools. (August 11, 1904.)

313. (Requirements, Etc., Approved Elementary Schools.)

All public schools of the State, below the grade of State Approved High Schools, meeting the following requirements, shall be placed on the State List of Elementary Schools, and shall be entitled to such privileges and advantages as are hereinafter stated:

Requirements:

These schools shall be classed as (1) Ungraded, Class D, (2) Graded, Class C, (3) Graded, Class B, and (4) Graded, Class A.

The minimum teacher limit for State recognition for each class shall be as follows:

(1) One teacher; (2) two teachers; (3) three teachers; (4) four teachers.

The maximum grade enrollment limit for State recognition for each class shall be as follows:

(1) Five grades; (2) seven grades; (3) nine grades; (4) ten grades.

Satisfactory evidence must also be furnished the Supervisor of Elementary Schools in the following particulars:

1. That title to the school property is vested in the Parish School Board.

2. That the school will maintain at least an eight month's session.

3. That the school building is adequate in size, comfortable and sanitary.

4. That the equipment in the way of furniture, library, laboratory, blackboard, tools, etc., is sufficient to enable teachers to do good work.

5. That the teachers employed are fully competent.

6. That the course of study will be or is being carried out in a satisfactory manner.

The continuation on the State approved list of the names of such schools as may qualify, from year to year, is also dependent upon their meeting such additional requirements as may be added to the foregoing from time to time.

Privileges and Advantages:

1. Names of approved schools will be published from time to time.

2. Pupils in good class standing from any grade of any such approved school shall be entitled to enter the same grade of any approved high schools of the State without examination.

3. It shall be the duty of the Supervisor of Elementary Schools to visit such approved schools as often as he may find it possible to do so.

4. Pupils completing the highest authorized grade of any and all such approved elementary schools of each parish shall annually be publicly presented, at some convenient and central point, with certificates of completion of such grades by some duly authorized representative of the State Department of Education, the same to have the seal of the State Department of Education.

5. All such approved schools shall share in any appropriation that may be made by the General Assembly in the future for the aid of elementary approved schools.

(Resolution of August 1, 1910.)

313-a. (Persons Under 18 Years of Age Not Allowed to Teach.)

Resolved: That no teacher under eighteen years of age shall be employed in the public schools of Louisiana. This regulation shall become effective beginning with the session of 1911-12. (August 1, 1910.)

313-b. (State Approved Agricultural Schools.)

Ebenezer Graded School, Acadia Parish; Oak Grove High School, Ascension Parish; Marksville High School, Avoyelles Parish; Merryville High School, Calcasieu Parish; Arizona Graded School, Claiborne Parish; Stonewall High School, DeSoto Parish; Verda High School, Grant Parish; Eros High School, Jackson Parish; Calhoun Graded School, Ouachita Parish; Grand Prairie High School, St. Landry Parish; St. Mar-

tinville High School, St. Martin Parish; Chesbrough Graded School, Tangipahoa Parish; Gueydan High School, Vermilion Parish; Bellevue High School, Vernon Parish; Rio Graded School, Washington Parish; Minden High School, Webster Parish; Dodson High School, Winn Parish. (App. February 17, 1911.)

The State Superintendent was authorized to distribute among these schools the agricultural appropriation of \$25,000; \$1,000 to be sent immediately to each school upon the approved list, and the remaining \$470 due each school to be sent out as soon as the agricultural inspector shall visit all of the institutions and report that they are meeting in every respect the requirements fixed by the State Board. (February 17, 1911.)

314. (Declaration of Independence.)

Be it resolved: That a committee be appointed for the purpose of having printed in some suitable and durable form the Declaration of Independence, to be suspended from the walls of every public school upon the 22d day of February, annually, throughout the State; and for this occasion a program of addresses and patriotic songs shall be arranged and carried out by the principals or teachers in charge of the schools. (July 25, 1901.)

315. (State Teachers' Association.)

Be it resolved: That the State Board of Education regards the State Teachers' Association as a valuable means of improvement of the public school teachers of the State and regrets to learn that only a small per cent of our corps are on the rolls; therefore, the State Board advises the parish superintendents to use their efforts to secure a large attendance of teachers at the annual meeting of the State Teachers' Association, as well as the monthly meetings of their parish teachers' association. (August 15, 1903)

316. (Establishment of High Schools.)

Be it resolved: That it is declared to be the policy of the State Board of Education that hereafter no high school be authorized or established in any parish until it is shown that the common schools of said parish have been kept open for not less than seven months in the year. (August 15, 1903.)

317. (High School Diplomas.)

Be it resolved: That the State Superintendent of Public Education be authorized to prepare a form of diploma for high schools to be signed by the State Superintendent, parish superintendent, and principal of the school from which it is issued, said diplomas to be granted graduates of high schools of the State. (August 15, 1903.)

318. (Special School Tax.)

Be it resolved: That this board hereby testifies its high appreciation of the philanthropy and patriotism of those inhabitants of the State who have availed themselves of the invitation of the State Constitution of 1898 by uniting in special school districts and voluntarily taxing themselves for the support and improvement of the public schools in their localities; and this board further urges all the citizens of the State to imitate the noble example thus furnished. (August 15, 1903.)

319. (Summer School Credits.)

Resolved: That the State Superintendent of Education is hereby empowered to extend valid teachers' certificates of all teachers (they applying to him) hereafter attending the State Summer Schools and doing satisfactory work therein, as follows:

Teachers who shall attend one of the State Summer Schools for nine weeks and complete the work successfully shall be entitled to have any valid teacher's certificate which they might hold, whether State, first, second, or third grade, extended for a period of one year, provided the extension is made within one year. (March 17, 1909.)

320. Resolved: That applicants for teachers' certificates attending one of the State Summer Schools for nine weeks and completing the work successfully, shall be entitled to have a credit of fifteen per cent added to the general average made in examination, irrespective of the grade of certificate applied for, whether State, first, second, or third grade. (March 17, 1909.)

321. (Recommending Recognition of Summer Work.)

The State Board of Education recommends raising the salary, by five dollars, of those teachers who attend a Summer School and receive a Certificate of Credits. (Resolution of State Board of Education, January 22, 1909.)

322. (Preference Given Summer School Students.)

The managers of the Summer Normal Schools shall issue Certificates of Attendance to every teacher present during the whole of their sessions, and the parish boards of school directors shall give preference, other things being equal, to the holders of said certificates in the selection of teachers for the public schools. (La. Statute, S. 46, Act 214 of 1902.)

323. (All Teachers in High Schools Required to Hold First Grade Certificates.)

Resolved: That beginning with the session of 1910-11 no teacher holding lower than a first grade certificate shall be employed in the State Approved High Schools. This regulation shall apply to grade teachers as well as to teachers in high school departments (January 7, 1910.)

324. (Requirements for Agricultural Departments.)

That agricultural departments in the public schools of Louisiana which shall share in the State appropriation to agricultural schools shall be governed by the following requirements:

1. The school must have a demonstration farm of as much as five acres, in one body, and an option on an additional five acres which may be secured in the event it should be needed.

2. The demonstration farm must have around it a fence that is proof against rabbits, chickens and stock.

3. There must be a barn with as many as five stalls for horses and cattle; a weevil-proof grain bin containing as much as 1,500 cubic feet; a fertilizer room; a hay loft, and a tool room. (Plans of suitable barns will be furnished on application.)

4. Apparatus for teaching the sciences: (a) If the Agricultural Department is in a State Approved High School, there must be \$100 worth of apparatus selected especially for the teaching of agriculture, and, in addition to this, the school must have the apparatus required of all Approved High Schools. (b) If the school is not an Approved High School, it must have as much as \$100 worth of apparatus for agricultural teaching. Should there be classes in the school through the ninth grade, there must be as much as \$76 worth of additional apparatus; if there are classes in the tenth grade, there must be as much as \$150 worth of apparatus in addition to the two amounts named above.

5. Tools: The school must have as much as \$40 worth of tools. (b) Implements: The school must own as much as \$140 worth of farm implements. (List of tools, apparatus, and implements may be secured on application.) (c) The school must own a horse or a mule. (d) The school must have an appropriation of \$250, which may be used as the local authorities think best in promoting the work in agriculture.

6. The school must employ a teacher of agriculture satisfactory to the Department of Education. He must be a graduate of an agricultural college, and he should have had some practical experience in farming. He must not be the principal of the school. He must be employed for twelve months in the year, and he must not be required to teach any class in the school outside of the department of agriculture, with the exception that he may be permitted to do all the work in Botany and Zoology if these subjects are given an agricultural turn.

7. The maximum number of agricultural departments to be established for the session 1910-11 and to share in the State appropriation is fixed at twenty.

8. Before any agricultural department shall be approved by this Board and permitted to share in the appropriation, Mr. V. L. Roy, Inspector of Agricultural Education, shall visit the school making the application and shall submit to the State Board a report to the effect that the school has met all the requirements outlined above.

9. All schools making application for agricultural departments and wishing to share in the agricultural appropriation must meet the above requirements and receive the approval of the Inspector of Agricultural Schools by September 1, 1910.

(Resolution of August 1, 1910.)

325. (Inheritance Tax.)

Resolved: That the State Superintendent of Public Education be directed to call the attention of the several district attorneys throughout the State to the provisions of Act 45 of 1904, and request that same be strictly enforced by them.

Resolved, further, That they be specially requested to collect all such amounts as may have become due under that Act and which have not yet been collected. (March 24, 1905.)

326. (Parish Treasurer's Record With Sheriff.)

Resolved: That the several parish school boards shall be directed to procure a suitable book in which the parish treasurer shall keep an account with the sheriff of his parish, charging him with all fees and forfeits as shown by the minutes of the court, and from which he shall make his settlements from time to time, crediting the said sheriff with such fines as are uncollectible. (January 9, 1905.)

327. (Arbor Day Established.)

Be it resolved: That the State Board of Education hereby designates the second Friday in January as Arbor Day, a day on which those in charge of the public schools and institutions of learning under State control or State patronage, shall, for at least two hours, give information to the pupils and students concerning the value and interest of forestry, the duty of pupils to protect the song-birds, and to encourage and assist in planting of forest trees.

Be it further resolved: That the State Superintendent of Public Education is hereby directed to prescribe from time to time, a program of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on Arbor Day, said program to be issued to the parish superintendents, and upon receipt of copies of such program, sufficient in number to supply all the schools under their supervision, the superintendents aforesaid shall promptly provide each of the schools under their charge with a copy, and cause same to be observed. (November, 24, 1905.)

328. (Superintendent's License.)

Resolutions adopted by the State Board of Education at a regular meeting held in Baton Rouge, on July 20, 1908, concerning applicants for parish superintendencies, under Act 49 of 1908:

Resolved, That any person who is now holding the position of parish superintendent, by virtue of this fact shall be entitled to a certificate of eligibility, and that said certificate shall issue without further examination, upon proper application.

Resolved, That any applicant for a certificate of eligibility to the office of parish superintendent shall report at the office of State Superintendent of Education at Baton Rouge, at 9 o'clock a. m., on August 29, 1908, and take the examination hereinafter provided.

Resolved, That if any applicant for certificate of eligibility prefer to do so, he may appear for examination before the parish superintendent and the examining committee of the parish, at the parish seat of any parish on August 29, 1908, at 9 a. m., and the parish superintendent shall open the sealed questions furnished by the State Board of Education in the presence of at least one other member of the examining committee and all the applicants. The examination shall be then held, and, immediately thereafter, the questions and answers sealed shall be forwarded to the Secretary of the State Board of Education at Baton Rouge.

Resolved, That the applicants shall be examined on the following subjects: School Supervision, School Administration, and the Theory and Art of Teaching.

Resolved, That all persons applying for a certificate of eligibility must comply with the provisions and qualifications as set forth in Act No. 49 of 1908.

329. Resolved, That a committee of five be appointed by the President of the State Board of Education, whose duty it shall be to prepare all questions as above provided, to examine all applicants, and answer papers returned from the parishes, and report to this Board at a meeting to be held on September 11, 1908. Following is the committee appointed by the President of the Board: State Superintendent J. B. Aswell, State Institute Conductor L. J. Alleman, President T. D. Boyd, Col. J. W. Nicholson and Prof. J. W. Heckert.

330. Resolved, That in the opinion of this Board, parish superintendents to be efficient under Act No. 49 of 1908, should devote their entire time to the schools of their respective parishes. (July 20, 1908.)

**SANITARY REGULATIONS OF THE LOUISIANA STATE
BOARD OF HEALTH, CONCERNING HYGIENE
AND SANITATION OF SCHOOLS.**

SANITARY CODE, STATE OF LOUISIANA, SECTION 250.

NOTE.—By Act 192 of 1898 the State Board of Health is authorized to enact regulations which are binding upon the public.

331. (Parish Board and Superintendent to Enforce Rules and Regulations.)

The parish or municipal school board, and the parish superintendent of schools, shall be held responsible for the execution and enforcement of the following rules and regulations, and all other health laws governing the hygiene of the schoolroom and the premises of the schools under their respective jurisdictions.

331-a. (Plans for Schoolhouses to be submitted to State Superintendent, Parish Superintendent and Parish Health Officer.)

Plans and specifications for every schoolhouse hereafter erected in the State must be submitted to the parish superintendent of schools, and to the State Superintendent of Education, and also to the parish health officer, that it may be determined whether every hygienic or necessary provision is made, especially with reference to ventilation, light and protection against fire.

332. (Regulating Ventilation and Light.)

Every schoolhouse, public or private, or other building used for school purposes, shall be ventilated in such manner as to afford eighteen hundred cubic feet of air per hour for each adult, and a proportionate amount for each child, and shall contain not less than two hundred cubic feet of air space for each child to be taught therein. Windows and transoms shall be so constructed that windows may be lowered from the top and transoms opened. Every schoolhouse must be lighted in such a manner as to minimize the eye strain. Each room must contain of actual surface of glass in the windows not less than one-seventh of the floor space.

333. (Regulating the Swinging of Doors.)

All doors except those which slide into wall pockets shall open outward, and all partition doors shall be hung on double-action hinges.

334. (Governing the Treatment and Sweeping of Floors and Wiping of Furniture, Etc.)

The floors of every school must be treated with some antiseptic floor dressing. Applications to be at sufficiently frequent intervals to keep down effectually the dust; floors to be scrubbed thoroughly before each application. Floor dressing for use in the schools must be approved by the State analyst.

The floors of every school must be swept daily, sweeping to be done after all pupils have left the building. All windows must be thrown open and schoolhouse thoroughly aired after cleaning.

All desks, wainscoating, window sills and baseboards in every schoolhouse in the State must be wiped off daily with a cloth moistened with 1-2000 bichloride of mercury, or 3 per cent carbolic acid solution.

335. (Spitting on Floors Strictly Prohibited.)

Spitting on floors, walls, etc., must be strictly prohibited and anti-spitting placards placed in every room.

336. (Teachers Must Furnish Health Certificates.)

No person suffering from any communicable disease shall be employed as teacher or janitor in any public school in this State. At the opening of each annual term teachers must furnish a health certificate from a registered physician, addressed to the parish superintendent of schools, certifying that they are not suffering from tuberculosis or other communicable disease.

337. (Vaccination Required of Pupils.)

No one shall be entered as a pupil in the public schools of this State without first having presented to the principal in charge a certificate from a registered physician of Louisiana, certifying that within the preceding five years the applicant was successfully vaccinated.

Three unsuccessful attempts at vaccination with a proven virus shall be accepted as an immunity for a period of one year.

Pupils are required, at the end of each five years, to renew their vaccination certificates.

338. (Pupils Suffering With Communicable Disease to be Excluded.)

No pupil suffering from any communicable disease shall be permitted to attend the public schools of this State. The principal or the teacher has the right to exclude any child from the

schools whom they suspect of suffering from any communicable disease, pending examination and report of a registered physician.

339. (Schoolhouses to be Disinfected.)

All schoolrooms in the State must be disinfected before the beginning of each school session, with the formaldehyde-permanganate of potash mixture as indicated in the bulletin of disinfection.

340. (On Appearance of Communicable Diseases, Schools Must be Closed.)

On the appearance in a school of any communicable disease, either among the pupils, teachers or attendants, the school shall be closed immediately and fumigated before reopening.

341. (School Premises Shall Be Drained.)

The school premises shall be thoroughly drained and no stagnant water permitted to collect. In towns with a drainage system or where an outflow is possible, the school site and the entire area of the ground shall be properly drained, so as to reduce the ground water level, and the drainage effected in such manner as not to contaminate with its effluvia any well, cistern or other source of drinking water.

342. (Abundant Supply of Pure Drinking Water.)

Every school must be supplied with an abundance of pure drinking water for drinking purposes. Where water is used from surface wells, said wells must be located at least 100 feet from any closet.

343. (Open Receptacles for Water and Common Cups Prohibited.)

The use of open receptacles for drinking water in schools, and also of dippers or cups for common drinking purposes, is prohibited. The school authorities must supply for holding drinking water covered containers with faucets, which containers must be scoured daily when in use. All teachers and pupils must provide themselves with individual drinking cups or glasses. In towns or cities where there is a public water supply a sanitary drinking fountain shall be installed.

344. (Garbage Can Required; Emptied Daily.)

Every school in this State must have a sufficient number of trash or garbage cans for the convenience of the pupils, teachers and employees, and said trash or garbage cans must be kept closed, and emptied daily.

345. (Stiles Sanitary Closet Compulsory.)

The urinals and water closets must be connected with the sewerage system, where one exists, when within 1,000 feet therefrom. Where no sewerage system exists, all schools must have a Stiles sanitary closet (plans and specifications will be furnished by the State Board of Health upon request), cess-pool or septic tank. Where the Stiles sanitary closet is used the inner surface of the container must be treated with crude petroleum at least once a week. All closets must be scrubbed once a week and kept in a sanitary condition at all times.

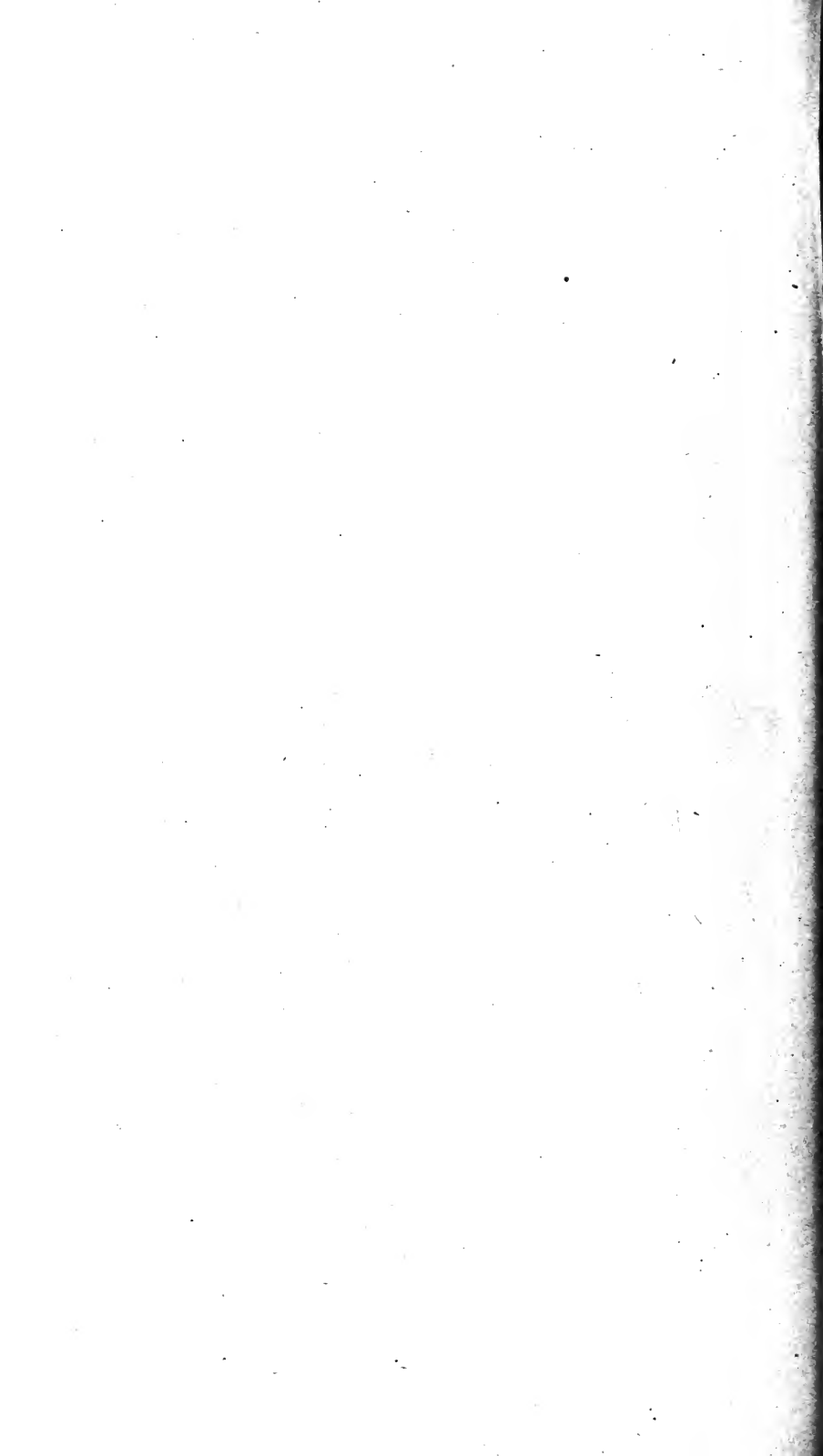
346. (Lecturers for State Institutions and Teachers' Institutes.)

The State Board of Health will, when desired by the State Institutions of learning, or the State Pedagogical Institutes, or the Agricultural Institutes, send a lecturer to deliver a series of lectures on:

1. Personal hygiene.
2. School hygiene.
3. Principles and practice of physical training.
4. Drug and alcohol addictions.
5. Contagious and infectious diseases; cause and prevention.
6. Hygiene of the home and farm.

347. (Parish Superintendents' Monthly Report to State Board of Health.)

The principal of each school in the State, except in cities where there is employed a regular medical inspector, shall make a monthly report to the parish superintendent of schools on the sanitary condition of the school building and surroundings, also the physical condition of the school children. Blank reports for this purpose will be furnished by the Louisiana State Board of Health. Parish superintendents of schools shall forward these reports to the Louisiana State Board of Health within ten days after their receipt by him.



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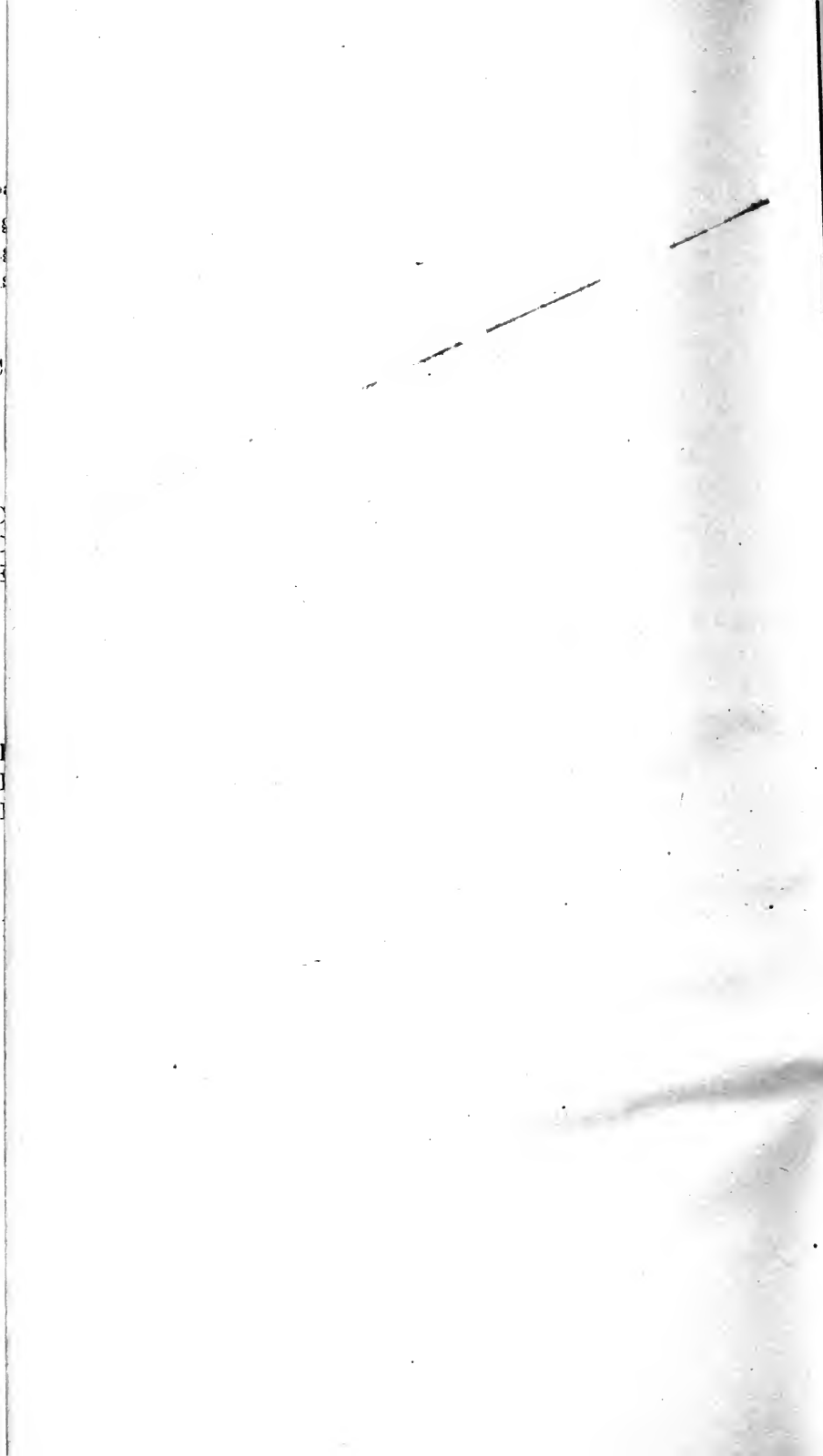
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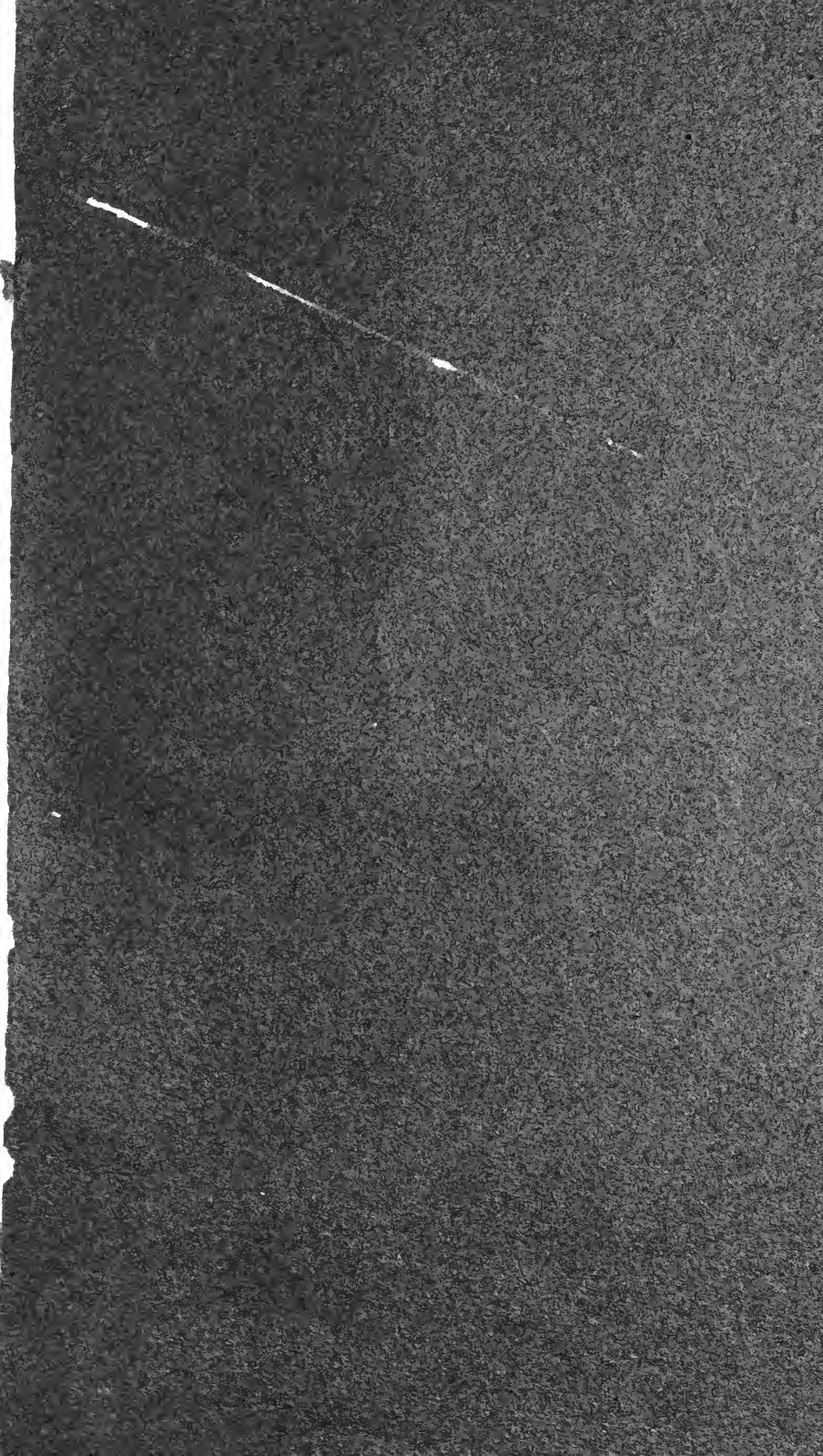
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